

332
5/22

COMMITTEE ACTION SHEET

COUNCIL DOCKET OF _____

☐ Supplemental ☐ Adoption ☐ Consent ☐ Unanimous Consent Rules Committee Consultant Review

R -

O -

Council Policy 600-24; Community Planning Group Bylaws Update Process

☒ Reviewed ☐ Initiated By LU&H On 10/25/06 Item No. 2

RECOMMENDATION TO:

Refer to the City Council amendments to Council Policy 600-24 to reference the bylaws shell with its standardized provisions, and to include an additional section which allows a process for Community Planning Groups to apply for variances, with the right to appeal to the Land Use and Housing Committee.

VOTED YEA: Madaffer, Faulconer, Atkins, Hueso

VOTED NAY:

NOT PRESENT:

CITY CLERK: Please reference the following reports on the City Council Docket:

REPORT TO THE CITY COUNCIL NO. 06-155

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

Darcy Ashley's comparison chart.

COUNCIL COMMITTEE CONSULTANT

Elyse Lowe

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Sub-committee composition in La Jolla	La Jolla Community Planning Association	La Jolla Town Council	La Jolla Shores Association	Promote La Jolla	Bird Rock Community Council
Coastal Development Permit	5	5			
Planned District Ordinance	3	3		3	
Coastal Access	3	3		3	
Traffic & Transportation	2	2	2	2	2
La Jolla Shores Permit Review	3		3		
LJCPA Membership Committee**	3-7*				
LJCPA Election Committee**	3-7*				
LJCPA Bylaw Committee**	3-7				
Totals	25-37	13	5	8	2
	Total all CPA participants (elected and appointed) 25-37 volunteers				Total all other groups 28 volunteers

*These sub-committees could have appointments from the other community groups to encourage/insure involvement from the wider community.

** These sub-committees do not exist under the current LJCPA bylaws & are proposed under the revision.

Involvement from the wider community is crucial & supported by 600-24. To limit the sub-committee involvement to the 18 elected members of the LJCPA is exclusionary & not supported by 600-24. These sub-committees are a way to engage people in the community & to encourage the volunteerism that assists the City of San Diego.

Darcy Ashley

darcys01@hotmail.com 858.459.1759

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REPORT TO THE CITY COUNCIL EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: October 20, 2006 REPORT NO. 06-155
 ATTENTION: Land Use and Housing Committee
 Agenda of October 25, 2006
 ORIGINATING DEPT.: City Planning and Community Investment
 SUBJECT: Recognized Community Planning Group Bylaws Update
 Process
 COUNCIL DISTRICTS: All
 STAFF CONTACT: Mary P. Wright; (619) 533-4528

REQUESTED ACTION:

Provide direction on issues that have arisen during the community planning group bylaws update process, including whether and how planning groups may deviate from the standardized bylaws shell for issues that are consistent with Council Policy 600-24, *Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups*.

STAFF RECOMMENDATION:

Support planning groups' compliance with the standardized bylaws shell that was developed at the recommendation of the Community Planners Committee subcommittee and was strengthened based on City Council discussion in June 2006.

EXECUTIVE SUMMARY:

The City Planning and Community Investment (CP&CI) Department has developed a standardized bylaws shell in response to revisions to Council Policy 600-24 and City Council direction to standardize community planning group operations. As some planning groups have begun the process of updating their bylaws, they have identified areas where they desire flexibility or change. Staff believes that in order for community planning groups to maximize their effectiveness as land use advisory bodies, the procedures under which they operate and under which representatives are elected must be made consistent throughout the City (with a few selected, predetermined options on certain specific issues). CP&CI will forward deviations that are inconsistent with Council Policy 600-24 to the City Council for approval. Land Use and Housing Committee (LU&H) direction is sought on how strictly staff should require planning groups to adhere to the standardized bylaws shell, and whether staff should allow revisions to the shell by individual planning groups to reflect desired modifications that do not deviate from Council Policy 600-24.

FISCAL CONSIDERATIONS:

Costs associated with providing assistance to all recognized community planning groups to revise their bylaws to come into compliance with the amended Council Policy 600-24 provisions are being managed as part of the CP&CI work program, with possible delay to other program elements.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

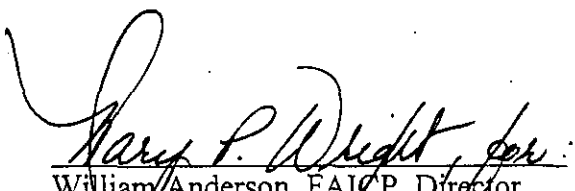
On October 17, 2005, the City Council voted to adopt Resolution R-300940 to amend Council Policy 600-24 titled *Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups*. The City Council directed that planning group bylaws be amended to reflect the revised council policy by April of 2007.

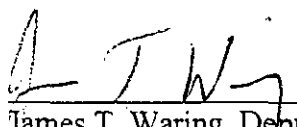
COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

During the last three years, planning staff has worked closely with community planning groups and the Community Planners Committee (CPC) on revisions to Council Policy 600-24 and the Administrative Guidelines. Staff continues to work closely with these organizations on the final element of this work program, revisions to community planning group bylaws.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

Key stakeholders in this effort are the existing and prospective community planning group members who are working with the City on their bylaw updates and who will operate under revised bylaws. In addition, the revisions will positively affect City departments, project applicants and the general public who interact with community planning groups by providing more standardized operating procedures.


William Anderson, FAICP, Director
City Planning and Community Investment


James T. Waring, Deputy Chief
Land Use and Economic Development

WARING/ANDERSON/MPW



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: October 20, 2006 REPORT NO. 06-155

ATTENTION: Land Use and Housing Committee
 Agenda of October 25, 2006

SUBJECT: Recognized Community Planning Group Bylaws Update Process

REFERENCE: CMR-05-145, dated June 8, 2005, Revisions to Council Policy 600-24
 Pertaining to Standard Operating Procedures and Responsibilities of
 Recognized Community Planning Groups

REQUESTED ACTION:

Provide direction on the community planning group bylaws update process, including whether and how planning groups may deviate from the standardize bylaw shell for issues that are consistent with Council Policy 600-24 entitled *Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups*.

STAFF RECOMMENDATION:

Support planning groups' compliance with the standardized bylaws shell that was developed at the recommendation of the Community Planners Committee subcommittee and was strengthened based on City Council discussion in June 2006.

SUMMARY:

Background

In 2003, Planning Department staff began working with a subcommittee of the Community Planners Committee (CPC) on revisions to Council Policy 600-24. Revisions were proposed to address a variety of issues that staff, community planning groups and City Council members identified as interfering with effective planning group operations. After numerous working sessions with the CPC subcommittee, and a Land Use and Housing Committee (LU&H) workshop, the revisions were approved by CPC on March 22, 2005. LU&H subsequently recommended approval of the revisions on June 15, 2005 and the revisions were approved by the City Council on October 17, 2005 (Attachment 1). The Council directed staff to work with planning groups to update their bylaws to reflect the revised Council Policy by April of 2007.

Also in 2003, Planning Department staff and the CPC Subcommittee began working on revisions to the Administrative Guidelines for Council Policy 600-24. Revisions were proposed to reflect the revised council policy and provide community planning groups with more guidance on how to operate effectively. The revisions, which did not require City Council action, were approved by CPC in April of 2006.

Subsequent to the revisions to the Administrative Guidelines, staff began to consider how to revise individual planning group bylaws. The revisions to Council Policy 600-24 necessitated amendments to all planning groups' bylaws. Staff felt strongly that, in order for community planning groups to maximize their effectiveness as land use advisory bodies, the procedures under which they operate and under which representatives are elected must be made consistent throughout the City (with a few selected, predetermined options on certain specific issues). Too much time has been spent administrating different bylaws in different planning groups and in a few cases trying to resolve legal disputes over process, democracy rights and similar issues. CPC agreed with staff that a standardized bylaw 'shell' would be useful both in preparation of new bylaws and in maintaining future compliance. Staff made a shell available to community planning groups in March of 2006. The shell included clearly written language to implement the council policy, but also provided options for planning groups to choose from in areas where a range of alternatives is currently utilized by various groups and those alternatives are all consistent with the council policy. The shell provided increased predictability by standardizing typical community planning group operations. Reaction by planning groups was generally positive.

On June 20, 2006, while discussing whether to provide legal indemnification and representation for the La Jolla Community Planning Association, the City Council discussed Council Policy 600-24 and the community planning group bylaws revision process. Council members clearly stated their support for, and reliance upon, planning groups. However, several council members expressed a desire for more standardized operations among groups, a better documented election process, and assurances of open, noticed meetings. The City Council also suggested that the issue of the bylaw revisions and deviations be addressed by LU&H in the fall of 2006 and questioned whether more changes were needed to Council Policy 600-24.

In August of 2006, City Planning & Community Investment (CP&CI) staff (formerly Planning Department staff) revised the bylaws shell to better define the options planning groups have for investigating a violation, qualifying to vote, etc. Attachment 2 is the revised bylaws shell, including highlighting of the provisions where planning groups have the option to choose their approach to a particular topic. Attachment 2 also includes a list of the differences between the March and August shells, and includes both new standardized provisions and options that were developed following the June 2006 City Council meeting.

Many planning groups have formed bylaws subcommittees and begun the task of revising their bylaws. CP&CI staff has encouraged planning groups to strictly adhere to the language in the bylaws shell in order to allow them and their successors on the planning

groups to consistently follow their adopted bylaws, and to allow staff to consistently advise on bylaws' interpretation.

Discussion

In the course of working on bylaws updates, some planning groups have identified areas of the shell that are problematic to them because of conflicts with current operations. Other groups have stated there are specific provisions of the bylaws shell they intend to deviate from. These issues can generally be divided into two categories: those that deviate from the bylaws shell and are inconsistent with Council Policy 600-24; and those that deviate from the bylaws shell yet are consistent with Council Policy 600-24. Staff will not recommend support of any deviations that are inconsistent with the council policy; however, they will be brought forward to the City Council in accordance with the council policy. Committee direction is sought on whether CP&CI should accept and sign off on (at the staff level along with the City Attorney's office) deviations from the bylaws shell that are not inconsistent with the council policy, but are inconsistent with the standardized bylaws shell.

Deviations Inconsistent with Council Policy 600-24

Deviations from the bylaws shell that are inconsistent with provisions of Council Policy 600-24 will be presented to the City Council for approval or denial in accordance with Council Policy 600-24's POLICY section which states that bylaws that do not conform to the council policy will be taken to the City Council. Staff will not recommend support of any deviation from the council policy.

There are only three known sections of the bylaws shell that planning groups are proposing to deviate from that are inconsistent with Council Policy 600-24 and will necessitate a decision by the City Council. These items relate to the number of voting members, excused absences, and the election of officers.

1. Number of Voting Members. Council Policy 600-24 and the bylaws shell (Article III, Section 1) retain the previous requirement that community planning groups have between 12 and 20 members. This was intended to ensure enough members to represent a cross section of the community but not too many members who could make planning group operations inefficient.

Several planning groups have elected memberships over 20. Staff is working with those groups to bring the number to 20 or less. If not, the deviation will be brought to the City Council for consideration.

2. Excused Absences. Due to overuse of 'excused' absences, Council Policy 600-24 and the bylaws shell incorporated new language stating that any absence constitutes an absence and that an elected member would lose their seat upon the third consecutive absence or fourth absence in a 12 month period (Article IV, Section 1 of both the bylaws shell and the council policy). Staff believes that excused absences should not receive special consideration in order to ensure that elected planning group members attend and participate in planning group meetings on a regular basis

as they were elected to do. The CPC subcommittee that worked with staff on updating the council policy and the Administrative Guidelines recommended the elimination of excused absences. The subcommittee members felt that the absence provision written into the revised council policy was liberal and considerate of individual members but didn't damage a planning group's ability to maintain a quorum for business. The many planning groups that supported the elimination of excused absences had difficulty dealing with what should constitute an excused absence, and when excused absence allowances were being abused.

Several planning groups feel this is too stringent a requirement and propose deviations similar to previous provisions which allowed excused absences without penalty.

3. Election of Officers. Council Policy 600-24 and the bylaws shell retain a previous provision that planning group officers be chosen from the elected members of the group (Article VII, Section 1). Staff believes that, for consistency, all groups should have officers elected by the elected planning group members in order for the officers to be accountable to those members.

However, at least one planning group is proposing to modify the shell to reflect their practice of having all eligible members of the community vote to elect the planning group officers as well as the planning group members.

Deviations Consistent with Council Policy 600-24

Requests for deviations from the bylaws shell that do not contradict Council Policy 600-24 requirements are more difficult to evaluate. Staff believes that all planning groups are capable of complying with the bylaws shell provisions since the shell reflects the options currently found among planning groups' bylaws. The topics below are ones where staff believes there is benefit to having consistently-written and applied bylaws, and that the shell, as written, should be adhered to.

There are six known areas of the bylaws shell that staff expects the planning groups to deviate from that would modify the bylaws shell but would be consistent with Council Policy 600-24. These items relate to voter eligibility, elections for two or more vacancies, candidate eligibility, subcommittee composition, additional requirements of project applicants, and the voting process for future bylaw revisions and other action items.

1. Voter Eligibility. As outlined in Council Policy 600-24, the bylaws shell states that to be an eligible community member and vote in an election, an individual must be at least 18 years of age and be a property owner, resident or local business person. Eligibility may be further defined in a planning group's bylaws (Article III, Section 2). The bylaws shell directs planning groups to add requirements that a person attend between one and three meetings, submit a membership application, or to otherwise demonstrate their eligibility to the group. Because it is the practice of many planning groups, the bylaws shell goes on to indicate that once an individual's eligibility is established, it is maintained until they are proven to not meet the qualifications. Staff believes that requiring planning groups to reconfirm eligibility

on an annual basis of community members who wish to vote in an election could place an unnecessary administrative burden on groups. Provisions have been added to the standardized bylaws shell to require proof of eligibility at the time of voting.

One or more of the planning groups propose to deviate from the bylaws shell by requiring eligible members to prove their eligibility on an annual basis.

2. Elections for Two or More Vacancies. The bylaws shell has added a new provision, not found in Council Policy 600-24, requiring that an election for two or more simultaneously vacant seats be conducted with all eligible voters (Article IV, Section 2). This was intended to allow the community at-large input into most elected seats. For many planning groups, having more than one vacant seat at a time may mean an opportunity to bring new perspectives onto the group, resulting in significant changes on the group. For small planning groups, near the Council Policy-minimum of 12 members, two positions is a significant percentage of the group's seats.

Some groups believe this provision is restrictive and are proposing language to allow the seated planning group members to select new members even when two or more vacancies exist.

3. Candidate Eligibility. The bylaws shell requires that "in order to be a candidate in the election, an eligible member of the community must have documented attendance at three of the planning group's last 12 meetings prior to the February regular planning group meeting preceding the election" (Article V, Section 1). This new bylaws attendance qualification, not reflected in Council Policy 600-24, is intended to ensure that candidates have a proven interest in the planning group. It reflects a common practice of many planning groups' bylaws currently in effect. It also reflects the City Council's June 2006 concerns about an election being swayed by individuals who appear at planning group meeting for the first time to vote in an election.

Several planning groups have objected to this requirement, believing it will create an unnecessary tracking requirement and reduce the potential candidate pool.

4. Subcommittee Composition. The bylaws shell states: "Any subcommittee established by the planning group shall contain a majority of members who are elected members of the planning group (Article VI, Section 2). However, Council Policy 600-24 does not contain these provisions. The Administrative Guidelines indicate that subcommittee composition is up to the individual planning group. It is staff's understanding that most planning groups operate under this provision currently. Staff believes the requirement to have a majority of a subcommittee's members be elected planning group members should be followed since these members have been elected to serve in the role, have been trained in their roles and duties as a planning group member, and are protected by the City's indemnification policy.

One group is proposing to deviate from this requirement due to their long standing use of subcommittees that are part of the community-at-large and proposes to utilize a subcommittee with a majority of non-elected members.

5. Bylaw Revisions and Other Voting Matters. Council Policy 600-24 and the bylaws shell are silent on whether all eligible voters or the elected board vote on bylaws revisions. Voting on non-election matters on a planning group's agenda is presumed by the council policy to be performed by the elected members of the planning group. The Administrative Guidelines for Council Policy 600-24 do state that only the elected members of the planning group vote on bylaw revisions (Section 4.9). Staff believes this is the proper approach since eligible members of the community (those individuals beyond the 12-20 elected members) are not subject to the provisions of the council policy, including indemnification. Also, a vote to change any bylaws provision should receive a majority vote, and it may be difficult to get a majority vote of eligible community members within a specified timeframe. An advisory vote to the planning group, based on a "room vote" prior to a formal planning group action, is not inconsistent with the council policy.

The one example of this requested deviation thus far is a group which desires to deviate from the bylaws shell to add language to maintain their system of having the electorate-at-large vote on bylaws revisions.

6. Additional Requirements of Project Applicants. The bylaws shell reflects language of Council Policy 600-24 indicating that, in reviewing individual development projects, planning groups should focus on conformity with the adopted community plan and general plan (Article II, Section 2). Application requirements for various project permit entitlements have been standardized through the Land Development Code and Land Development Manual's Submittal Requirements in order to provide applicants and reviewing bodies with a standardized list of plans and information needed for review. Identical application packages for discretionary permits are sent to both the affected planning group and other reviewing bodies for their review and comment. Staff believes that, while a planning group can engage in discussions with project applicants to address both use and design issues, in its advisory role a planning group may not require additional submitted materials as a precondition of placing a project on its agenda.

One group proposes to modify the bylaw shell to require that applicants submit a number of additional materials, such as a color palette and Police Department Design Review information, for their review. In addition, the group identifies additional conditions that are needed for their favorable review. Some of these, such as "a thoroughfare system that will make it possible for people and goods to be moved in an efficient and convenient manner" are generally consistent with the adopted community plan. Other features go beyond the policy recommendations of the community plan including: "Sites for diversified industrial facilities which would mainly employ residents of [the community]", and "Encouragement of citizen action in improving unsafe, unsanitary and unhealthful conditions".

An additional issue has arisen: at least one planning group is proposing to change currently commercial seats to residential seats in a community with substantial commercial development and where the membership already consists of a vast majority of residential seats. Staff does not believe the compliance effort being undertaken by all planning groups is the appropriate time for any planning group to reallocate seats among community interests when it appears that community interests are becoming less diversified. Staff proposes that no changes to planning group seats be allowed with the current bylaws amendments that serve to reduce diversification of interests on the planning group.

Other bylaws shell provisions are more specific than Council Policy 600-24 language, but have not been determined infeasible or incompatible by planning groups updating their bylaws thus far. These provisions include: deleting all references to an optional "general membership" and using the term "eligible member of the community" exclusively; newly-directed time periods for convening an Elections Subcommittee, qualifying candidates for a March election and presenting candidates to the planning group; requiring proof from "eligible community members" to vote in an election; and, timing of the announcement of election results.

Staff is requiring any planning groups that are also corporations to separate their planning group bylaws from their corporation bylaws. There are fewer than ten affected planning groups, and whether the corporation continues is up to the corporation membership. However, planning groups have been advised that meetings should be convened separately, and any provisions that specifically are allowed under corporation law – such as proxy voting – must not remain in the planning group's bylaws.

Summary

This report provides examples of the types of bylaws revision issues that planning groups and staff are trying to address. Staff has identified provisions that are being proposed by planning groups that are inconsistent with Council Policy 600-24 and will be presented to the City Council for approval or denial. In addition, staff is seeking LU&H direction on how to address deviations that are consistent with Council Policy 600-24. Staff feels that, in order for community planning groups to maximize their effectiveness as land use advisory bodies, the procedures under which they operate and under which representatives are elected must be made consistent throughout the City (with a few selected, predetermined options on certain specific issues). A fixed bylaw template will allow planning groups to better focus their time and energy on the referred issues and will increase public participation in the voting system and, hopefully, increase the diversity of participation within communities. A uniform set of bylaws is vitally important to maximize the process and substance of planning group work.

Bylaws Update Process

As planning groups complete their bylaws revisions, the CP&CI director and City Attorney will review bylaws and approve the revisions when they are deemed consistent with the bylaw shell and Council Policy 600-24. Where deviations are proposed, CP&CI will schedule those deviations in groups for City Council consideration. The CP&CI

director and City Attorney will then approve revised bylaws incorporating direction from the City Council. Per the adopted council policy, all bylaw revisions should be completed by April of 2007.

In order to facilitate the use of revised bylaws in the March 2007 elections, staff anticipates scheduling a City Council item in late November to consider bylaws deviations not consistent with Council Policy 600-24. Depending on the recommendations of LU&H, deviations from the standardized bylaws shell may also need to be considered. The timing of this LU&H workshop was to determine how to handle proposed deviations from the shell that are still consistent with the council policy.

Regardless of whether a planning group's bylaws are revised for use in the March 2007 elections, staff has indicated to the planning groups that proxy voting should not be allowed. Proxy voting is in the adopted bylaws of several planning group but has always been contrary to the intent of Council Policy 600-24. The October 2005 revisions to the council policy clarified that proxy voting is not allowed.

The Ralph M. Brown Act

On March 7, 2000, the San Diego City Attorney opined that community planning groups are not subject to the Ralph M. Brown Act because they are private organizations that do constitute "legislative bodies." Although planning groups have not followed the strict interpretation of the Brown Act, Council Policy 600-24 and the Administrative Guidelines direct planning groups to follow the 'spirit of the Brown Act' and ensure meetings are open and public, and that the planning groups' business is conducted in a public setting. At the June 20, 2006 City Council meeting on the La Jolla Community Association indemnification and representation issue, the City Attorney indicated that his office will be reconsidering whether community planning groups are legislative bodies subject to the Brown Act. The Mayor's Office is awaiting a formal opinion from the City Attorney on this issue. If planning groups are deemed subject to the Brown Act, a comprehensive review of Council Policy 600-24, the Administrative Guidelines and the bylaws shell will be needed to ensure conformance with the law.

FISCAL CONSIDERATION:

Costs associated with providing assistance to all recognized community planning groups to revise their bylaws to come into compliance with the amended Council Policy 600-24 provisions are being managed as part of the City Planning and Community Investment Department's work program, with possible delay to other program elements.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On October 17, 2005, the City Council voted to adopt Resolution R-300940 to amend Council Policy 600-24 titled *Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups*. The City Council directed that community planning group bylaws be amended to reflect the revised council policy by April of 2007.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

During the last three years, planning staff has worked closely with community planning groups and CPC on revisions to Council Policy 600-24 and the Administrative Guidelines. Staff

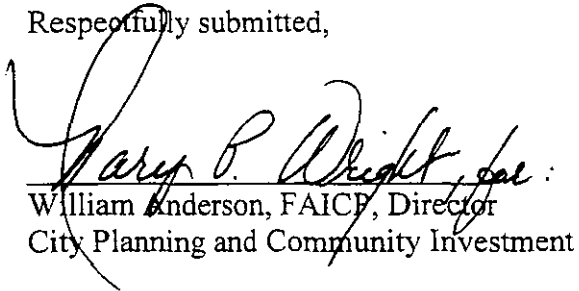
continues to work closely with these organizations on the final element of this work program, revisions to community planning group bylaws.

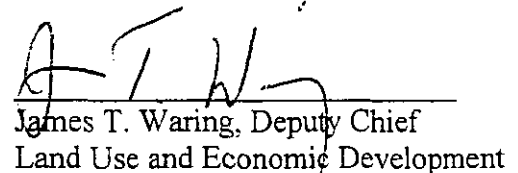
KEY STAKEHOLDERS and PROJECTED IMPACTS:

Key stakeholders in this effort are the existing and prospective community planning group members who are working with the City on their bylaws updates and who will operate under

revised bylaws. In addition, the revisions will positively affect City departments, project applicants and the general public who interact with community planning groups by providing more standardized operating procedures.

Respectfully submitted,


William Anderson, FAICP, Director
City Planning and Community Investment


James T. Waring, Deputy Chief
Land Use and Economic Development

WARING/ANDERSON/MPW

- Attachments:
1. Council Policy 600-24 entitled *Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups*
 2. Revised Standardized Bylaws Shell dated 8-21-06 & Summary of Provisions Revised between March and August shells

CITY OF SAN DIEGO, CALIFORNIA

CURRENT

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

SUBJECT STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES OF RECOGNIZED COMMUNITY PLANNING GROUPS	<table> <tr> <td>POLICY NUMBER</td><td>600-24</td></tr> <tr> <td>EFFECTIVE DATE</td><td>10/17/2005</td></tr> </table>	POLICY NUMBER	600-24	EFFECTIVE DATE	10/17/2005
POLICY NUMBER	600-24				
EFFECTIVE DATE	10/17/2005				

SUBJECT: STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES
OF RECOGNIZED COMMUNITY PLANNING GROUPS

POLICY NO.: 600-24

EFFECTIVE DATE: 10/17/2005

BACKGROUND:

Community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically, concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries. Planning groups also advise on other land use matters as requested by the City or other governmental agencies.

Planning groups are private organizations. The City does not direct or recommend the election of specified individual members, nor does the City appoint members to planning groups, or recommend removal or individual members of a planning group. The City does not delegate legal authority to planning groups to take actions on behalf of the City. Planning groups are voluntarily created and maintained by members of communities within the City. Council Policy 600-24 was created to provide the guidance for organizations operating as officially recognized community planning groups.

PURPOSE:

The purpose of Council Policy 600-24 is to identify responsibilities and to establish minimum operating procedures governing the conduct of planning groups when they operate in their officially recognized capacity.

POLICY:

It is the policy of the City Council to require each recognized community planning group, as a condition of official recognition by The City of San Diego, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws," to the Planning Department. These bylaws must contain, at a minimum, all the provisions addressed in Council Policy 600-24, and conform to the criteria contained herein. Individual planning groups' bylaws may expand on provisions in this Policy to better meet the needs of diverse communities. However, all bylaws must remain in conformance with the provisions of this Policy to maintain official recognition by the City. The original bylaws for each planning group and the initial members and terms of each planning group seat and member will be submitted for approval by resolution of the City Council.

CP-600-24

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CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

SUBJECT STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES OF RECOGNIZED COMMUNITY PLANNING GROUPS	<table border="1"> <tr> <td>POLICY NUMBER</td><td>600-24</td></tr> <tr> <td>EFFECTIVE DATE</td><td>10/17/2005</td></tr> </table>	POLICY NUMBER	600-24	EFFECTIVE DATE	10/17/2005
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EFFECTIVE DATE	10/17/2005				

Subsequent amendments to adopted bylaws may be approved by the Planning Director and City Attorney if determined to conform with this Policy. Bylaws that cannot be approved by the Planning Director and City Attorney will be taken to the City Council. Failure of a planning group to comply with the approved operating procedures and responsibilities will be cause for the City Council to withdraw official recognition.

Planning groups must utilize this Policy and their adopted bylaws to guide their operations. The Planning Director is assigned to prepare and maintain Administrative Guidelines in consultation with the Community Planners Committee. The Administrative Guidelines are intended to explain this Policy's minimum standard operating procedures and responsibilities of planning groups. The Administrative Guidelines provide the planning groups with explanations and recommendations for individually adopted bylaws and planning group procedures. Robert's Rules of Order Newly Revised should be used when this Policy, the Administrative Guidelines, and planning group bylaws do not address an area of concern or interest.

It is also the policy of the City Council that the City shall indemnify, and the City Attorney shall defend, a recognized community planning group or its individual members in accordance with Ordinance No. O-17086 NS entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages." Generally, a planning group or its duly elected or appointed members may be indemnified against claims or actions by the City and defended by the City Attorney if the planning group or its duly elected or appointed members meet the criteria set forth in the Ordinance. Most importantly, the claim or action must have arisen out of the planning group or its members acting in conformance with this Policy and the planning group's adopted bylaws.

ARTICLE I Name

- Section 1. The recognized community planning group shall adopt an official name which shall be subject to the approval of the City Council.
- Section 2. All activities of a recognized community planning group shall be conducted in its official name.
- Section 3. A boundary for a recognized community planning group's area of authority is based on the boundary of the applicable adopted community plan. The boundary is intended to give a planning group the advisory responsibilities over an area that has been established based on logical, man-made or geographic boundaries. In some cases, the City Council may determine that a boundary other than that of an adopted plan is the appropriate boundary for a planning group's oversight, and may identify an area either smaller than, or more encompassing than, an adopted community plan.

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

SUBJECT STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES OF RECOGNIZED COMMUNITY PLANNING GROUPS	POLICY NUMBER 600-24
	EFFECTIVE DATE 10/17/2005

The community planning area boundaries which are applicable to each recognized community planning group shall be shown on a map to be included in the bylaws as Exhibit "A."

- Section 4. The official positions and opinions of the recognized community planning group shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

- Section 1. Community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically, concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries. Planning groups also advise on other land use matters as requested by the City or other governmental agency.
- Section 2. The recognized community planning group reviewing individual development projects should focus such review on conformity with the adopted Community Plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, a formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Substantive changes in projects subsequent to completion of the environmental review process will sanction further evaluation by the planning group. This will provide staff and the project applicant the opportunity to respond to the comments or concerns and potentially resolve possible conflicts before the project is noticed for discretionary action.
- Section 3. Insofar as the efforts of the recognized community planning group are engaged in the diligent pursuit of the above purpose, City staff assistance, if any, shall be provided from the Planning Department, and/or other appropriate staff under the direction of the City Manager.
- Section 4. All activities of recognized community planning groups shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability.

- Section 5. A recognized community planning group shall not take part in, officially or

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unofficially, or lend its influence in, the election of any candidate for political office. Planning group members shall not identify affiliation with a planning group when endorsing candidates for public office. A planning group may take a position on a ballot measure.

- Section 6. Pursuant to the provisions of City Council Policy 600-5, a recognized community planning group's consistent failure to respond to the City's request for planning group input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent its community for these purposes. Such a determination resulting in the forfeiture of rights to represent its community for these purposes shall be made only by the City Council upon the recommendation of the Planning Department.

ARTICLE III Community Planning Group Organizations

- Section 1. The recognized community planning group shall consist of a specific number of members that is not fewer than 12 nor more than 20, provided, however, that when a larger membership shall give better representation to a community, the City Council may approve such larger membership. Upon recognition by the City Council, the members of the planning groups shall constitute the official planning group for the purposes set forth in Article II.
- Section 2. The members of the recognized community planning group shall consist of the members as of the date of recognition by the City Council, and of such additional members as shall thereafter be elected by eligible community members in the manner prescribed by Council Policy 600-24.
- Section 3. Members of recognized community planning groups shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:

- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) local business person, who is a local business owner, operator, or designee at a non-

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residential real property address in the community planning area. Eligibility may be further defined in planning group bylaws.

Section 4. Members of a recognized community planning group shall be elected to serve for fixed terms of two to four years with expiration dates during alternate years to provide continuity. This can vary for the purpose of the selection of initial group members for new groups. No person may serve on a planning group for more than eight consecutive years if members are elected to two- or four-year terms, or nine consecutive years if members are elected to three-year terms. The eight or nine year limit refers to total service time, not to individual seats held.

After a one-year break in service as a planning group member, an individual who had served for eight or nine consecutive years shall again be eligible for election to the committee.

Council Policy 600-24 provides an exception for a planning group to retain some members who have already served for eight or nine consecutive years to continue on the planning group without a break in service if not enough new members are found to fill all vacant seats as follows:

A planning group member who has served eight or nine consecutive years may appear on the ballot with new candidates. After open seats are filled with qualified new members, and if open seats still remain, the following provisions may be utilized: A member may serve in excess of eight or nine consecutive years (as specified above) if that person is reelected to a remaining open seat by at least a two-thirds majority of the votes cast by eligible community members participating in the regular election. The number of individuals on a planning group serving more than eight or nine consecutive years shall in no case exceed twenty-five percent of the voting committee membership.

The term of a member elected by a two-thirds vote serving beyond eight or nine years shall count as time served beyond the required break in service as required by this section. Future consecutive election of the member who has served beyond eight or nine years is subject to the requirements of this section.

Section 5. A member of a recognized community planning group must retain eligibility during the entire term of service. A planning group member may be removed from the planning group, upon a majority vote of the planning group, if, during a regularly scheduled public meeting, the Secretary presents documentation to the planning group and has notified the member in question that the member is no longer eligible to serve. Ineligibility may be due to not meeting the membership qualifications found in Article III, Section 3 or Article IV, Section 1 of this Council Policy and in the group's adopted bylaws.

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Section 6. In cases of alleged violations of this Council Policy or a recognized community planning group's bylaws by a planning group member, the planning group shall conduct an investigation consistent with the Administrative Guidelines and adopted planning group bylaws.

If the planning group, after a thorough investigation, determines that the individual member has violated a provision of the council policy or the planning group's bylaws, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and in adopted planning group bylaws.

A member found to be not in compliance with the provisions of this Council Policy or adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS.

Section 7. In cases of alleged violations of Council Policy 600-24 or planning group bylaws against a recognized community planning group as a whole, City staff will work with the planning group to investigate allegations and to remedy any violations. If severe, documented violations occur, or if repeated violations occur, City staff may request the assistance of the Community Planners Committee (CPC) to help determine an appropriate course of action.

If a violation against a recognized community planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Planning Department to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

A planning group found to be out of compliance with the provisions of Council Policy 600-24 or its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS.

ARTICLE IV Vacancies

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- Section 1. The recognized community planning group shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from its secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from regular meeting as established under Article VI, Section 2 below
- Section 2. Vacancies that may occur on a recognized community planning group shall be filled by the planning group in a manner specified by the bylaws of the planning group, not later than 120 days, following the date of the determination of the vacancy. The term of office of any member filling a vacancy in accordance with the procedure established in Article III, Section 4 above shall be for the balance of the vacated term.
- Section 3. When a recognized community planning group is unable to fill a vacancy within the 120 days, as specified above, and the planning group has more than twelve members, the planning group shall either leave the seat vacant until the next planning group election, or amend its bylaws to permit decreased membership to a minimum of twelve members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and the planning group has less than twelve members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the Planning Department. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive and the Planning Department shall notify the City Council that the planning group will be inactive until it has attained at least 12 members in good standing. The Planning Department shall assist with the planning group election in the attempt to regain the minimum Policy membership requirement of 12 members.

ARTICLE V Elections

- Section 1. Elections of recognized community planning group members shall be held during the month of March in accordance with procedures specified in adopted planning group bylaws. Planning groups shall hold elections every year or every other year.

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight or nine consecutive years to leave the group for at least one year.

Planning groups may establish voting procedures that include opportunities for multiple voting times or locations, provided those procedures allow for the completion of the election during the month of March and demonstrate an ability to assure fair access and avoidance of voting improprieties.

- Section 2. The Planning Department shall publicize the elections of recognized community

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planning groups through the Planning Department website, City TV24 programming, electronic mail, the City's webpage, and other available effective means.

The planning group shall make a good faith effort to utilize means appropriate to their communities to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

- Section 3. Voting shall be by secret written ballot. Recognized community planning groups may establish bylaw provisions to address procedures for mailing in ballots for elections if the planning group determines that this procedure, or another specified procedure, would increase community participation in the election process. Under no circumstances is proxy voting for elections allowed. At a minimum, ballots shall be available for a specified period at the noticed planning group meeting at which the election will be held.
- Section 4. Unless otherwise explicitly provided for in a recognized community planning group's bylaws, an election becomes final after announcing the election results at a noticed planning group meeting. New members shall be seated in April.

ARTICLE VI Community Planning Group and Planning Group Member Duties

- Section 1. It shall be the duty of a recognized community planning group to cooperatively work with the Planning Department and, as appropriate, the City Manager throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

It shall be the duty of a planning group as a whole, and of each individual planning group member, to refrain from conduct that is detrimental to the planning group or its purposes under this Council Policy. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

- Section 2. It shall be the duty of each recognized community planning group member to attend all planning group meetings. Regular meetings shall be periodically held by the planning group to meet with the Planning Department at a mutually agreed upon time and location during appropriate periods in the planning process.

A quorum, defined as a majority of non-vacant seats of a planning group, must be present in order to conduct business and/or to vote on projects or to take actions at regular planning group meetings.

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A report of attendance and a copy of approved minutes, which include the votes taken on each matter acted upon for each meeting, shall be retained by a planning group and shall be available for public inspection. Additionally, a copy of the approved minutes shall be submitted to the Planning Department within 14 days after approval by the planning group.

Planning group actions on specific projects should include the planning group's vote, and should indicate whether or not the applicant appeared before the planning group, and if not, should indicate what type of notification was provided to the applicant requesting his/her appearance at the planning group meeting.

A planning group may hold meetings other than regular meetings in accordance with a policy established by the planning group except that executive sessions [meetings excluding some planning group members or members of the public] shall be prohibited.

Planning groups are encouraged to establish subcommittees when their operation contributes to more effective discussions at regular planning group meetings. All meetings of committees and subcommittees shall be open to the public and shall be conducted in accordance with Robert's Rules of Order except as otherwise provided in Council Policy 600-24, the Administrative Guidelines, and/or by the adopted planning group bylaws.

Section 3. It shall be the duty of a recognized community planning group and its members to periodically seek communitywide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large.

It shall also be the duty of a planning group, when reviewing development projects, to allow participation of affected property owners, residents and business establishments with proximity to the proposed development.

The planning group shall inform the project applicant or representative each time that such review will take place and provide the applicant with an opportunity to present the project. Any interested member of the public shall be given an opportunity to comment on projects during planning group meetings.

Section 4. It shall be the duty of a recognized community planning group to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to

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the Planning Department. The planning group must also submit to the Planning Department, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section I above.

- Section 5. A recognized community planning group may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.
- Section 6. It shall be the duty of each recognized community planning group member to attend an orientation training session administered by the Planning Department as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages." It shall be the duty of the Planning Department to offer at least two orientation sessions each year as well as topic-specific sessions intended to advance the knowledge of planning group members in subjects within the scope of responsibilities of recognized community planning groups. Newly seated planning group members must complete an orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve.
- Section 7. Any member of a recognized community planning group with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.
- Section 8. In limited circumstances, recognized community planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.
- Section 9. Recognized community planning groups shall not engage in, or allow, proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as telephoning or emailing a vote, are also prohibited.
- Section 10. It shall be the duty of all recognized community planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions.

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However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.

Any attempt to develop a collective concurrence of the elected or appointed members of a recognized community planning group as to action to be taken on an item by members of the [planning group], other than at a properly noticed public meeting, either by direct communication, personal intermediaries, serial meetings, or technological devices, is prohibited.

- Section 11. Subcommittee recommendations must be brought forth to the full recognized community planning group for formal vote at a noticed public meeting. In no case may a subcommittee recommendation be forwarded to the City as the formal recommendation of the planning group.

ARTICLE VII Planning Group Officers

- Section 1. The officers of a recognized community planning group shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary and, by policy, a planning group's bylaws may include such other officers as the planning group may deem necessary. Further duties of the officers may be defined in planning group bylaws. The planning group shall determine the length of an officer's term in its bylaws, except that no person may serve in the same planning group office for more than eight or nine consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.
- Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group.
- Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.
- Section 4. Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.
- Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by specific action, some other

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member may be selected as the official representative to CPC with the same voting rights and privileges as the Chairperson. Each planning group may select an alternate CPC representative.

Section 6. It shall be the duty of the officers of recognized community planning groups and of the Community Planners Committee representative to promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII Planning Group Policies and Procedures

- Section 1. In addition to incorporating the policies outlined in Articles I through VII into recognized community planning group bylaws, each planning group shall include policies and procedures found necessary for the group's effective operation under this Policy. The following topic areas are those to be addressed. Explanations of when and why to adopt procedures or policies are found in the Administrative Guidelines.
- (1) Community Participation, suggested but not limited to: community outreach; assurances of seeking diverse representation on the planning group.
 - (2) Planning Group Composition, suggested but not limited to: methods for anticipated conversion of planning group seats, such as developer seats or appointed seats, as applicable; general membership eligibility and recordkeeping, as applicable; involving the community at large.
 - (3) Conduct of Meetings, suggested but not limited to: meeting noticing, including subcommittees; meeting operations such as time limits on speakers and maintaining a civil meeting environment; subcommittee operations such as process for project reviews and bylaw amendments; role of the chair in voting; role of a general membership or the public in discussing agenda items.
 - (4) Member and Planning Group Responsibilities, suggested but not limited to: filling vacant seats either during a term or following an election; how planning group positions will be represented to the City; discipline or removal of an individual member; bylaw amendment process, including the development of procedures companion to the bylaws.
 - (5) Elections, suggested but not limited to: promoting planning group elections; determining eligibility of candidates and voters; ballot preparation, handling, and counting procedures; poll location and operation criteria; election challenges.

Section 2. Bylaws of recognized community planning groups shall be amended to conform with

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the 2005 amendment to this policy within 18 months from the enactment of this amendment. Until the expiration of 18 months, or adoption of bylaws amendments, whichever comes first, a planning group operating in conformance with bylaws that were previously approved by the City Council, shall be deemed to be operating in conformance with this policy.

HISTORY:

Adopted by Resolution R-216888 09/29/76
Amended by Resolution R-257382 10/25/82
Amended by Resolution R-273369 05/02/89
Amended by Resolution R-276245 07/30/90
Amended by Resolution R-300940 10/17/05

[CPG NAME] Bylaws
Amended *[insert date]*

SHELL REVISION 8-21-06

~~community-specific options language~~

ARTICLE I Name

- Section 1. The official name of this organization is the *[insert CPG name]*.
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the *[insert CPG name]* are the boundaries of the *[insert community name]* community, as shown on Exhibit "A".
- Section 4. The official positions and opinions of the *[insert CPG name]* shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

- Section 1. The *[insert CPG name]* has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the *[insert community name]* community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency.
- Section 2. In reviewing individual development projects, the *[insert CPG name]* should focus such review on conformance with the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear the project, and may choose to provide a subsequent formal recommendation to the City.
- Section 3. All activities of the *[insert CPG name]* shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability.
- Section 4. The *[insert CPG name]* shall not take part in, officially or unofficially, or lend its

influence in, the election of any candidate for political office. Elected members shall not identify affiliation with the planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.

- Section 5. Pursuant to the provisions of City Council Policy 600-5, the *[insert CPG name]*'s failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent the *[insert community name]* community for these purposes. Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by the City Council upon the recommendation of the Planning Department.
- Section 6. The *[insert CPG name]* operates under the authority of Council Policy 600-24. The council policy and these bylaws govern the operations of the planning group. In addition, the Administrative Guidelines provide explanations of Council Policy 600-24's minimum standard operating procedures and responsibilities of this planning group. *Robert's Rules of Order Newly Revised* is used when the council policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.

ARTICLE III Community Planning Group Organizations

- Section 1. The *[insert CPG name]* shall consist of: **CHOOSE ONE OPTION: (A)** ~~specific number between 12-20~~ elected members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups".
- Section 2. Council Policy 600-24 requires that elected members of the *[insert CPG name]* shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the *[insert CPG name]* elected seats are filled: **CHOOSE ONE OPTION: (A)** ~~by any eligible member identified below. There is no further restriction on the distribution of seats among interests in the community; or (B) by distribution of seats among the following interests that represent community: seats for property owners; seats for residents; and seats for business representatives. [go on to describe any further segmentation of these overall categories]; or (C) by a geographic distribution of seats among [census tracts or neighborhoods or other geographic subdivisions] as follows: seats for [area]; seats for [area]; etc. [go on to describe any further segmentation of these geographic seats].~~

Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:

- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area or
- (3) local business person, who is a local business owner, operator, or designee at a non-residential real property address in the community planning area.

An individual may become an eligible member of the community by: **CHOOSE ONE OPTION: (A) attending [insert one, two or three] meeting/s of the [insert CPG name] and submitting a membership application to the planning group Secretary demonstrating qualifications to be an eligible member of the community prior to the March election; or (B) demonstrating qualifications to be an eligible member of the community to the planning group Secretary or Election Committee prior to the March election or at the time of voting.**

Once the eligibility to vote is established, an individual remains an eligible member of the community until a determination is made that the individual does not retain eligibility in accordance with Article III, Section 4 below.

Section 3. Members of *[insert CPG name]* shall be elected to serve for fixed terms of: **CHOOSE ONE OPTION: (A) 2 years; or (B) 3 years; or (C) 4 years** with expiration dates during alternate years to provide continuity.

No person may serve on the planning group for more than: **CHOOSE ONE OPTION: (A) eight; or (B) nine** consecutive years.

The: **CHOOSE ONE OPTION: (A) eight; or (B) nine** year limit refers to total maximum consecutive years of service time, not to individual seats held.

After a one-year break in service as a planning group member, an individual who had served for: **CHOOSE ONE OPTION: (A) eight; or (B) nine** consecutive years shall again be eligible for election to the planning group.

The planning group will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group may retain some members who have already served for: **CHOOSE ONE OPTION: (A) eight; or (B) nine** consecutive years to continue on the planning group without a break in service. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

Section 4. A member of the *[insert CPG name]* must retain eligibility during the entire term

of service.

A planning group member may be removed from the planning group, upon a majority vote of the planning group, if, during a regularly scheduled public meeting, the Secretary presents documentation to the planning group, and has notified the member in question, that the member is no longer eligible to serve.

Ineligibility may be due to not meeting the membership qualifications found in Article III, Section 2 or Article IV, Section 1 of these bylaws.

Section 5. Alleged Violations Against an Individual Planning Group Member. In cases of alleged violations of the *[insert CPG name]* bylaws or Council Policy 600-24 by a planning group member, the planning group shall conduct an investigation consistent with the Administrative Guidelines and these bylaws.

A complaint that an individual member of a planning group violated one or more provisions of the planning group's bylaws or Council Policy 600-24 may be submitted to the planning group chair by any individual, including another planning group member. The complaint should be filed within 90 days of the alleged violation.

If, after a thorough investigation, the planning group determines that the individual member has violated a provision of these bylaws or Council Policy 600-24, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group.

The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these bylaws.

A planning group member found to be out of compliance with the provisions of these bylaws or Council Policy 600-24 risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS.

Investigation procedures for elected member violations are outlined below:

Any action by the *[insert CPG name]* to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

- A complaint that a violation of bylaws of Council Policy 600-24 has occurred will be presented to the planning group chair. If the complaint is about the chair, it may be presented to any other officer of the planning group.
- The complaint should be detailed enough to provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation.
- The complaint should provide a citation of the bylaws or Council Policy 600-24 provisions of which the action is claimed to violate. If the complaint is from someone other than another planning group member, the chair [or other officer] may assist in providing appropriate citations to assist the complainant.
- The chair will confer with the planning group officers [exception: if an officer is the subject of the grievance or has a business or personal relationship with the alleged violator] regarding the complaint.
- The chair shall create a written record of the complaint and alleged violation to share with the alleged violator.

Procedures for administering and acting on investigating a violation: While the authority for this process rests with this planning group, City staff may be contacted for assistance at any point in the process.

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.
- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.
- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and *[insert CPG name]* would best be served by the removal of the planning group member, then the chair shall set the matter for discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

- The matter of removing a seated planning group member will be placed on the planning group's agenda as a potential action item. Supporting

- materials from the chair or from the offending planning group member will be made available to the elected planning group members prior to the meeting.
- The matter will be discussed at the planning group's regular meeting with opportunity given to the planning group member who committed the violation to present their case and/or rebut documentation gathered by the chair with the assistance of the planning group officers. The member may also request a continuance of the item to gather more information to present to the planning group.
- At the end of the discussion, the planning group may, by a 2/3 vote, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected planning group member removed by a 2/3 vote of their recognized community planning group.
- The planning group member's seat shall be immediately declared vacant and subject to provisions of Article IV.
- The removal of a planning group member by a 2/3 vote of their recognized community planning group will not prohibit the member from running for a planning group seat in future scheduled elections.

Alleged Violations Against [insert CPG name] as a Whole. In the case of an alleged violation of the planning group's bylaws or of Council Policy 600-24 by the planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City for investigation by Planning and the City Attorney. The City will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute. The [insert CPG name] will work with the City toward a solution and the planning group recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee. If violations are determined to be severe and unresolvable and the planning group is to be found out of compliance with Council Policy 600-24, City staff may recommend forfeiture of recognized status and the planning group risks loss of indemnification and representation pursuant to Ordinance No. O-17086NS.

ARTICLE IV Vacancies

- Section 1. The [insert CPG name] shall find that a vacancy exists upon receipt of a resignation in writing from a member, or upon receipt of a written report from the planning group's secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from the planning group's regular meetings.
- Section 2. Vacancies that may occur on [insert CPG name] shall be filled not later than 120 days following the date of the determination of the vacancy. The term of office of

any member filling a vacancy shall be for the balance of the vacated term.

The *[insert CPG name]* shall fill a vacancy by: ~~CHOOSE ONE OPTION: (A) selection by planning group members at the time the vacancy is declared. [provide detail and timeframe]; or (B) an advertised election pursuant to Article V. [provide detail and timeframe].~~

If, at any time when there are two or more vacant seats on the planning group, the planning group shall conduct an election for the vacancies in accordance with Article V below.

- Section 3. When *[insert CPG name]* is unable to fill a vacancy within the 120 days, as specified above, and the planning group has more than twelve members, either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the Planning staff. If, after 60 additional days, the elected planning group membership has not reached 12 members, the planning group will be deemed inactive until there are at least 12 members in good standing.

ARTICLE V Elections

- Section 1. Election Policies. Elections of *[insert CPG name]* members shall be held during the month of March in accordance with the elections procedures found in Exhibit ____ of these bylaws.

Planning group elections shall be held: ~~CHOOSE ONE OPTION: (A) annually; or (B) every two years; or (C) every three years.~~

The deadline to qualify for candidacy in the March election shall be at the conclusion of the regular January planning group meeting. The planning group's Election subcommittee shall be established in January and shall begin soliciting eligible community members to become candidates. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting.

In order to be a candidate in the election, an eligible member of the community [see Article III, Section 2] must have documented attendance at three of the planning group's last 12 meetings prior to the February regular planning group meeting preceding the election.

The *[insert CPG name]* shall make a good faith effort to utilize means appropriate

to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for: ~~CHOOSE ONE OPTION: (A) eight (B) nine~~ consecutive years to leave the group for at least one year.

Section 2. Voting Policies. All voting policies are established with the goal of assuring fair access to the election process and to avoid voting improprieties.

The *[insert CPG name here]* holds its election: ~~CHOOSE ONE OPTION: (A) at the March regular meeting; [provide details]; or (B) at a special meeting in March; [provide details]; or (C) at multiple locations the day of the regular March meeting; [provide details]; or (D) at multiple locations prior to the regular March meeting; [provide details]; or (E) on multiple days prior to the regular March meeting; [provide details]; or (F) utilizing a combination of mail-in ballots and voting at the regular March meeting; [provide details]~~

The planning group will require proof of identity of those eligible community members who are seeking to vote in the election.

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates various categories of eligible community members can vote for and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight or nine consecutive years of service.

The planning group's policy related to write-in candidates is that: ~~CHOOSE ONE OPTION: (A) write-in candidates are not allowed; or (B) write-in candidates are allowed.~~ If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

Voting shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24 and is not allowed.

Article VIII, Section 6 contains all voting procedures, including: ~~CHOOSE AND THAT APPLY: voting time/s; voting location/s; voting eligibility; candidate eligibility; election committee establishment and responsibilities; promotion of elections; counting votes [majority, plurality, etc.]; ballots; write-in candidates; poll location/s; mail-in ballots [if applicable]; managing polls and counting ballots; reporting election results to the Chair; and election challenge criteria and procedures.~~

Section 3. An election becomes final after announcing the election results: ~~CHOOSE ONE OPTION: (A.) at the conclusion of the noticed regular March monthly planning group meeting; or (B.) at a noticed special meeting of the planning group prior to the start of the regular April monthly meeting.~~ The Chair is responsible for preparing, certifying, and forwarding the election report to the Planning Department. New planning group members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

Any challenge to the election results must be filed with the chair of the Elections Subcommittee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the *[insert CPG name]* to cooperatively work with the Planning Department and/or appropriate staff throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision for inclusion in a general or community plan.

It is the duty of the planning group as a whole, and of each individual member, to refrain from conduct that is detrimental to the planning group or its purposes under Council Policy 600-24. No planning group member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group agenda.

Section 2. Regular Meetings. The *[insert CPG name]* holds regularly scheduled meetings on: ~~CHOOSE ONE OPTION: insert regular meeting date and time.~~ It is the duty of each planning group member to attend all regularly scheduled planning group meetings. See Article IV, Section 1 for regular meeting absences that cause a planning group member's seat to be declared vacant.

Standing Subcommittees and Other Subcommittees. Pursuant to the purpose of the *[insert CPG name]* as identified in Article II, Section 1, the planning group has established: ~~CHOOSE ONE OPTION: (A.) no standing subcommittees; but will create, as needed, a subcommittee to address a particular planning or operational matter [such as the Elections Subcommittee]; or (B.) the following standing subcommittees: [provide list including number of members, duties, duration of subcommittee].~~

Any subcommittee established by the planning group shall contain a majority of members who are elected members of the planning group. In addition, the chair of any subcommittee shall be an elected member of the planning group.

Procedures of subcommittees are found in Article VIII, Section 4.

Subcommittee recommendations must be brought forth to the full elected planning group for formal vote at a noticed public meeting. In no case may a subcommittee recommendation be forwarded to the City as the formal recommendation of the planning board.

Meeting Conduct. All meetings of the planning group, including subcommittees, other committees, or special or emergency meetings as described in Administrative Guidelines Section 3.2, shall be open to the public and shall be conducted in accordance with *Robert's Rules of Order Newly Revised*. ~~OPTION: any exceptions to this provision must be listed here and it must be clearly explained what is subject to the exception and why the exception is necessary.~~

A quorum, defined as a majority of non-vacant seats of the planning group, must be present in order to conduct business and/or to vote on projects or to take actions at regularly scheduled meetings. A report of attendance and a copy of approved minutes, which include the votes taken on each matter acted upon for each meeting, shall be retained by the planning group and shall be available for public inspection. A copy of the approved minutes shall be submitted to the Planning Department within fourteen (14) days after approval.

Actions on specific projects should include the vote of the planning group, should indicate whether or not the applicant appeared before the planning group, and what type of notification was provided to the applicant requesting his/her appearance at the planning group meeting.

Section 3. The [insert CPG name] will conduct its official business in a public setting. Officers of the planning group may oversee administrative business such as the assembling of the draft agenda in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at noticed planning group meetings.

The planning group will not attempt to develop a collective concurrence of the members of the planning group as to the action to be taken on an item other than at a properly noticed public meeting, either by direct communication, personal intermediaries, serial meetings, or technological devices.

Section 4. Any member of the [insert CPG name] with a direct economic interest in any project that comes before the planning group or any subcommittee must disclose the economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda. Section 3.5 of the Administrative Guidelines is this planning group's reference for determining direct economic interest.

Section 5. In limited circumstances, [insert CPG name] members may abstain from either voting on an action item, or from participating and voting on an action item. The

member must state, for the record, the reason for the abstention.

This planning group's chair: ~~CHOOSE ONE OPTION: (A) fully participates in planning group discussions and votes on all action items; or (B) participates in discussions but does not vote except to make or break a tie; or (C) does not participate in discussions or vote on action items.~~

- Section 6. The *[insert CPG name]* shall not engage in, or allow, proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as telephoning or emailing a vote, are also prohibited.
- Section 7. The *[insert CPG name]* shall periodically seek community-wide understanding of and participation in the planning and implementation process. Due consideration shall be given to all responsible community attitudes as these are deemed to be in the best long-range interest of the community at large. When reviewing development projects, the planning group will allow participation of affected property owners, residents and business establishments within proximity to the proposed development. The project applicant or representative shall be informed each time that a review will take place, and the applicant or representative will be provided with an opportunity to present the project. Any interested member of the public shall be given an opportunity to comment on a project during a planning group meeting. At the start of each item, the chair will identify how much time can be allocated to public comment based on the number of items before the planning group for action.
- Section 8. No dues are required to be a member of the *[insert CPG name]* or to participate at planning group meetings. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution. The planning group may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process.
- Section 9. The *[insert CPG name]* maintains a current, up-to-date roster of the names, terms, and category/qualifications of elected planning group members. The current roster, as well as any updates, is forwarded to the Planning Department. The planning group also submits to the Planning Department, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year.
- Section 10. Each elected *[insert CPG name]* member is required to attend an orientation training session administered by the Planning Department as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to the planning group or the member will become ineligible to serve.

ARTICLE VII **Planning Group Officers**

- Section 1. The officers of the *[insert CPG name]* shall be elected from and by the elected members of the planning group. Officers shall be a Chairperson, Vice Chairperson and Secretary. ~~OPTION: insert any other officer as defined by the planning group.~~ The length of an officer's term shall be: ~~OPTION: insert duration of term.~~ except that no person may serve in the same planning group office for more than eight or nine consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.
- Section 2. Chairperson. The Chairperson shall be the principal officer of the planning group and shall preside over all planning group and communitywide meetings organized by the planning group. ~~OPTION: insert any further duties as defined by planning group. Example duties would be setting the agenda, point of contact for development applicants, etc.~~
- Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson. ~~OPTION: insert any further duties as defined by the planning group.~~
- Section 4. Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions (including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons), and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties. ~~OPTION: insert any further duties as defined by the planning group.~~
- Section 5. The Chairperson shall be the recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the chair may be selected as the officially designated representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning group's alternate, to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.
- Section 6. The *[insert CPG name]* officers and representatives to the CPC shall promptly disseminate to all elected planning group members any pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII **Planning Group Policies and Procedures**

Section 1. The *[insert CPG name]* bylaws incorporate policies and procedures directed by Articles I through VII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VIII of Council Policy 600-24. This bylaws Article lists additional procedures which are found in Exhibits attached to the bylaws.

Any procedures found in exhibits have the same effect as if they were incorporated directly into Articles I through VII of the bylaws. They are separated into exhibits for ease of understanding.

Listed procedures are grouped by category as follows: Community Participation; Planning Group Composition; Conduct of Meetings; Member and Planning Group Responsibilities; and Elections.

Section 2. Community Participation.

The following are the *[insert CPG name]* procedures regarding community participation:

~~OPTION: Detail any community participation procedures the planning group has.~~

~~OPTION: List actions or state intent of planning group to grow interest in planning group activities and to encourage diversity.~~

~~NOTE: If it is necessary, separate procedures can be adopted by the planning group for topics in this Section.~~

Section 3. Planning Group Composition.

The following are the *[insert CPG name]* procedures pursuant to Article III, Section 2 regarding planning group composition:

~~OPTION: If planning group anticipates conversion of seats from one category to another, detail here.~~

~~OPTION: If any seats are appointed, rather than elected, discuss appointment process here.~~

~~OPTION: Refer to form used for determining eligible community member~~

Section 4. Conduct of Meetings.

The following are the *[insert CPG name]* procedures regarding conduct of planning group meetings:

OPTION: Discuss efforts by the planning group to notice meeting agendas.

OPTION: Discuss meeting operation, including public comment [when on the agenda and how much time], how consent items are handled, maintaining a civil meeting environment, how the public/audience participates in discussion items on the agenda, order of items on the agenda.

OPTION: Discuss specifics of subcommittee membership and operation.

OPTION: Discuss operation of the planning group's development review subcommittee operations.

OPTION: Discuss the Elections Subcommittee.

OPTION: Discuss any detail about the chair's voting or non-voting option that isn't discussed in Article VI, Section 5.

Section 5. Member and Planning Group Responsibilities.

The following are the *[insert CPG name]* procedures regarding member and planning group responsibilities:

OPTION: Discuss how the planning group's positions may be represented to the City on planning issues that are not project review recommendations.

OPTION: Discuss internal bylaws amendment process, prior to submittal to the City Staff.

OPTION: Discuss when procedures might be developed.

OPTION: Discuss any voluntary financial contributions, including purpose and use.

OPTION: Discuss any regular participation on other committees or with other organizations.

Section 6. Elections. The Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for planning group elections. The following are procedures pertaining to the elections provisions of these bylaws:

OPTION: Specifically detail procedures for ALE policies listed in Article V, Sections 1 and 2, related to planning group elections and voting.

Revised Provisions found in August 21, 2006 Revised Bylaws Shell

[The sections listed below are the revisions made to the shell between the March and August 2006 bylaws versions]

1. Article III, Section 2, 4th paragraph, now provides the options to select from, to describe how your planning group fills its elected seats. This section also eliminates the discussion of General Membership, instead describing how an individual becomes an "eligible member of the community", consistent with Council Policy 600-24, to qualify to vote in a planning group election or to become an eligible candidate for a planning group seat.
2. Article III, Section 2, last paragraph, adds a statement that an eligible member of the community only needs to become eligible one time – e.g., attend a certain number of meetings or be identified as eligible by the secretary. There is not a 'renewal' procedure, however, eligibility must be maintained.
3. Article III, Section 5 now provides exact language for your bylaws about how to deal with alleged violations against a planning group member and against the planning group as a whole. The language, for the most part, is taken from the recently updated Administrative Guidelines.
4. Article IV, Section 2 gives options to select from for filling a vacancy. It also now requires that if two or more vacancies exist on the planning group at one time, an election shall be conducted.
5. Article V, Section 1 includes some specified, newly-directed time periods for convening an Election Subcommittee, qualifying candidates for a March election and presenting candidates to the planning group. This shell also newly standardizes an attendance requirement for eligible members of the community to become candidates for elected planning group seats.
6. Article V, Section 2 presents options for clearly describing when election voting will occur. In the 3rd paragraph, it newly adds a requirement for proof from "eligible community members" in order to be able to vote in an election. Also clarified, in the 5th paragraph, is that a vote for a non-eligible candidate will not be counted. This section also lists voting procedures that you can identify to be included in Article VIII, Section 6 of your bylaws.
7. Article V, Section 3 lists options for announcing results of elections.
8. Article VI, Section 2, 2nd paragraph, provides a paragraph within which you can choose an option regarding subcommittees.
9. Article VI, Section 2, 3rd paragraph, states that the composition of a subcommittee requires a majority of the members to be planning group members.
10. Article VI, Section 5 provides options for your planning group chair's participation or non-participation in discussions and action items on your agenda.
11. Article VII, Section 5 identifies the selection process for Community Planners Committee representation.
12. Article VIII is reorganized to be more insert-friendly.

RECEIVED
07 MAY 15 AM 10:37
CITY CLERK'S OFFICE
SAN DIEGO, CA

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

332
5/02


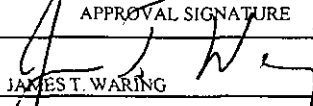
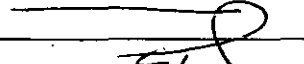

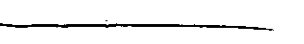

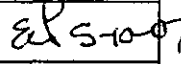

000555

TO: CITY ATTORNEY	2. FROM: (ORIGINATING DEPARTMENT) CITY PLANNING & COMMUNITY INVESTMENT	3. DATE May 9, 2007
4. SUBJECT: (MAXIMUM OF 10 WORDS) Revisions to Council Policy 600-24		
5. PRIMARY CONTACT (NAME, PHONE, MAIL STA.) Mary Wright, 533-4528, MS 4A	6. SECONDARY CONTACT (NAME, PHONE, MAIL STA.) Betsy McCullough, 236-6139, MS 5A	7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED: <input checked="" type="checkbox"/> X

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	General				9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPARTMENT	065				
ORGANIZATION	2002				
OBJECT ACCOUNT	4205				
JOB ORDER	4000				
C.I.P. NUMBER					
AMOUNT					

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	DEPARTMENT DIRECTOR	 WILLIAM ANDERSON	5/9/08	6	DEPUTY CHIEF	 JAMES T. WARING	5/9/08
2	DSD/EAS			7	COO		
3	COUNCIL LIAISON	ED PLANK 		8	CITY ATTORNEY		
4	AUDITOR			9	ORIGINATING DEPARTMENT	MARY P. WRIGHT	
5	EOCP	EXEMPT PER MEMO DATED 11-15-05			DOCKET COORD: 	COUNCIL LIAISON: 	
					COUNCIL PRESIDENT: 	<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION	
					<input type="checkbox"/> REFER TO:	COUNCIL DATE: 5/22/07	

11. PREPARATION OF: ☒ RESOLUTION(S) ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

11A. STAFF RECOMMENDATIONS:
Amend Council Policy 600-24 titles "Standard Operating Procedures and Responsibilities of recognized Community Planning Groups", including a standardized bylaws shell.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): Citywide

COMMUNITY AREA(S): Citywide

ENVIRONMENTAL IMPACT: N/A

HOUSING IMPACT: N/A

OTHER ISSUES: N/A

REPORT TO THE CITY COUNCIL EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:	REPORT NO.
ATTENTION:	Council President and City Council
ORIGINATING DEPT.:	City Planning and Community Investment
SUBJECT:	Revisions to Council Policy 600-24
COUNCIL DISTRICTS:	Citywide
STAFF CONTACT:	Mary P. Wright, (619) 533-4538

REQUESTED ACTION:

Amend Council Policy 600-24 titled "Standard Operating Procedures and Responsibilities of recognized Community Planning Groups", including a standardized bylaws shell.

STAFF RECOMMENDATION:

Approve the amendments.

EXECUTIVE SUMMARY:

Revisions to Council Policy 600-24 are proposed to reflect input received from the Land Use and Housing Committee (LU&H), address the applicability of the Brown Act and make other clarifying changes.

On October 25, 2006, LU&H considered a report from the City Planning & Community Investment Department (CPCI) on the recognized community planning group bylaw update process. The primary discussion centered on whether bylaws should be standardized among planning groups and how planning groups could deviate from the bylaw shell. By a 4-0 vote, LU&H voted to refer revisions to Council Policy 600-24 to the City Council including a reference to the bylaws shell with its standardized provisions and direction to include a process for planning groups to apply for variances with the right to appeal to LU&H. Two days following LU&H, the City Attorney issued a Memorandum of Law opining that recognized community planning groups are subject to California's Open Meeting Law, the Ralph M. Brown Act because they are legislative bodies created by the City Council.

Following the LU&H meeting and receipt of the Memorandum of Law, CPCI began working with the Attorney's Office on draft revisions to Council Policy 600-24 and the bylaws shell to reflect changes discussed at LU&H and the applicability of the Brown Act. In addition, other minor changes were made to reorganize the Policy and shell for clarity and reflect the new strong Mayor form of governance.

Draft changes to Council Policy 600-24 and the bylaws shell were provided to CPC in March and April, 2007. At their April 24, 2007 meeting, CPC reviewed the proposed changes and provided staff with comments and suggested changes. As a result, staff has incorporated many of the suggested changes into the Council Policy and bylaws shell. Changes were provided to the City Attorney's Office on May 1, 2007 for review. However, final Attorney comments were not received as of the date this report was written.

000558

Upon adoption of an amended Council Policy 600-24 and standardized bylaws shell, staff will begin working with recognized community planning groups on revisions to their bylaws. In addition, part time administrative staff will be utilized to assist planning groups with reporting requirements under the Brown Act.

FISCAL CONSIDERATIONS:

Costs associated with providing assistance to all recognized community planning groups to revise their bylaws to come into compliance with the amended Council Policy 600-24 provisions will be managed as part of the CPCI work program, with possible delay to other program elements. Part time administrative staff will be utilized for ongoing administrative support of the planning groups to reduce the budgetary impacts of the new requirements.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On October 25, 2006, the Land Use and Housing Committee voted 4-0 to refer revisions to Council Policy 600-24 to the City Council to reference the bylaws shell with its standardized provisions, and to include a process for community planning groups to apply for variances with the right to appeal to LU&H.

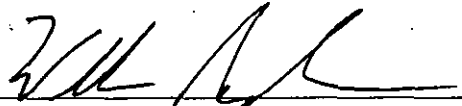
On October 17, 2005, the City Council voted to adopt Resolution R-300940 to amend Council Policy 600-24 and direct that planning group bylaws be amended to reflect the revised council policy by April of 2007.

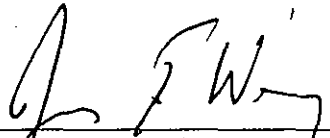
COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

City staff worked closely with community planning groups and the CPC on revisions to Council Policy 600-24 that were approved in October of 2005. Proposed revisions to incorporate LU&H direction, the Brown Act and other changes were given to the CPC on March 27, 2007 and April 24, 2007. Staff discussed the proposed changes with CPC at their April 24, 2007 meeting. As a result, staff agreed to make many of the changes to the Council Policy and bylaws shell suggested by CPC.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

Key stakeholders in this effort are existing and prospective community planning group members who will work on and operate under revised community planning group bylaws. In addition, the revisions will positively affect City departments, project applicants and the general public who interact with community planning groups by providing more standardized operating procedures.


William Anderson, FAICP, Director
City Planning and Community Investment


James T. Waring, Deputy Chief
Land Use and Economic Development

WARING/ANDERSON/MPW

000559

DATE ISSUED:

REPORT NO.

ATTENTION: Council President and City Council
Docket of May 22, 2007

SUBJECT: Revisions to Council Policy 600-24

REFERENCE: Land Use and Housing Committee Report No. 06-155, dated October 20,
2006 Pertaining to "Recognized Community Planning Group Bylaws
Update Process"

REQUESTED ACTION:

Amend Council Policy 600-24 titled "Standard Operating Procedures and Responsibilities of recognized Community Planning Groups", including a standardized bylaws shell (Attachment 1).

STAFF RECOMMENDATION:

Approve the amendments.

SUMMARY:

Overview

In response to direction from the Land Use and Housing Committee (LU&H), revisions are proposed to Council Policy 600-24 and the recognized community planning group bylaws shell to address committee direction, reflect the applicability of the Brown Act and make other clarifying changes. This report provides background information on what led up to the changes, discusses the changes in detail, and describes input received from the Community Planners Committee (CPC) and staffing implications.

Background

On October 17, 2005, the City Council approved revisions to Council Policy 600-24 titled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" (R-300940) which were generated after a two and a half year effort by a CPC subcommittee and City staff. Comprehensive revisions were made to address a variety of issues that staff, planning groups and City Council members identified as interfering with effective planning group operations. Subsequently in 2006, and at the suggestion of the CPC subcommittee, the City Planning and Community Investment Department (CPCI) developed a bylaws shell based on Council Policy 600-24 which standardized typical planning group operations. The shell provided options in some areas where planning groups could tailor their operations consistent with the Council Policy. CPCI began working with planning groups to revise their bylaws to conform with the Council Policy 600-24 revision 18-month timeline.

On October 25, 2006, LU&H considered a report from CPCI on the recognized community planning group bylaw update process. The primary discussion centered on whether bylaws should be standardized among planning groups and how planning groups could deviate from shell. LU&H generally agreed with the concept of standardizing planning group bylaws but wanted a process by which planning groups could deviate from the bylaws shell when appropriate. By a 4-0 vote, LU&H voted to refer revisions to Council Policy 600-24 to the City Council including a reference to the bylaws shell with its standardized provisions and direction to include a process for planning groups to apply for variances with the right to appeal to LU&H.

On October 27, 2006, the City Attorney issued a Memorandum of Law opining that recognized community planning groups are subject to California's Open Meeting Law, the Ralph M. Brown Act (Attachment 2). The opinion stated that because planning groups are created by the City Council pursuant to Council Policy 600-24, they are legislative bodies subject to the Brown Act. As such, planning group meetings must strictly adhere to the Brown Act's provisions for open and public meetings.

Subsequent to the LU&H meeting and receipt of the Memorandum of Law, CPCI began working with the Attorney's Office on draft revisions to Council Policy 600-24 and the bylaws shell to reflect revisions discussed at LU&H and the applicability of the Brown Act. In addition, other minor changes were made to reorganize the Policy and shell for clarity and reflect the new strong Mayor form of governance.

CPCI provided draft revisions to Council Policy 600-24 and the bylaws shell to CPC with their March 27, 2007 agenda packet. At their request, staff returned to the CPC meeting of April 24th with additional revisions suggested by the City Attorney to discuss the documents. CPC members provided extensive input on the documents and passed two motions. In response to CPC input, CPCI has made several changes to the Policy and bylaws shell (see discussion below). Changes were provided to the City Attorney's Office on May 1, 2007 for review. However, final Attorney comments were not received as of the date this report was written.

Proposed Revisions to Council Policy 600-24 and the Bylaws Shell

As outlined above, draft revisions to Council Policy 600-24 and the bylaws shell have been made to: 1) standardize provisions discussed at LU&H and reflect committee input, 2) reflect applicability of the Brown Act, and, 3) add clarity and reflect the Mayoral system of governance.

1) LU&H Issues - As previously described, LU&H acknowledged that having a standardized bylaws shell would be desirable to allow planning groups to better focus their time and energy on the referred issues and increase public participation in the voting system. However, LU&H also acknowledged that due to specific planning group issues, it may be appropriate for planning groups to deviate from the standardized bylaws shell from time to time.

CPCI has included a revised standardized bylaws shell as an attachment to Council Policy 600-24 (Attachment 1). The shell closely mirrors the order and format of the Policy with article and section numbers and headings closely matching those of the Policy. In addition, the Policy and the bylaws shell have been revised to standardize a number of specific provisions that were discussed at the October 25, 2006 LU&H hearing. These are provisions that planning groups should consistently adhere to. Provisions include: the number of voting members, excused absences, election of officers, voter eligibility, candidate eligibility, subcommittee composition, voting on bylaw revisions and requiring additional information from project applicants. Some groups have indicated they do not agree with standardization for one or more of the provisions listed. Attachment 3 includes a summary of the provisions and describes how Council Policy 600-24 and the bylaws shell address them; some provisions have been revised based on CPC input.

LU&H also directed that Council Policy 600-24 and the bylaws shell include additional sections which allow a process for planning groups to apply for variances from the bylaws shell, with the right to appeal to LU&H. As outlined in the draft Policy and shell (Article II, Section 7), the Mayor's Office and City Attorney will approve bylaws that are consistent with Council Policy 600-24 and the bylaws shell. The Mayor's Office does not believe that staff should be responsible for evaluating the merits of proposed deviations from the bylaws shell. Instead, proposed deviations will be forwarded to the responsible Council Office(s) for potential Council consideration. LU&H directed that planning groups have the right to appeal for variances through LU&H. However, this would not enable all council offices to vote on proposed deviations within their districts. Thus, the revisions to Council Policy 600-24 and the bylaws shell state that proposed deviations will be referred to the City Council for consideration.

2) Brown Act - Council Policy 600-24 and the bylaws shell have also been revised to reflect that recognized community planning groups must now operate in conformance with the Brown Act. Applicable provisions of the Brown Act have been added to the appropriate section of the Policy and shell and clearly identify whether they are Brown Act requirements in order to allow planning group members to know which procedures are subject to state law. Brown Act provisions have been added to address the accessibility of meeting facilities, agenda posting, meeting adjournments, subcommittees, meeting documents and records and other requirements. In addition, the Policy and shell clearly outline various remedies for violations of Brown Act provisions.

3) Other Changes - other changes have been made to Council Policy 600-24 and the bylaws shell to improve the clarity, organization and accuracy of the policy. A reorganization was made to consolidate meeting procedures, subcommittees, abstentions and recusals, meeting documents and records under Article VI titled "Community Planning Group and Planning Group Member Duties". In addition, a new Article IX consolidates "Rights and Liabilities of Recognized Community Planning Groups" while clearly delineating what constitutes a violation of the Brown Act versus a violation of other portions of Council Policy 600-24. In addition, references to the City Manager were changed to the Mayor's Office to reflect the City's new strong Mayor form of governance. In addition, the Policy states that planning groups will have six months from adoption of the Policy and bylaws shell to amend their bylaws.

CPC Issues

CPCI provided draft revisions to Council Policy 600-24 and the bylaws shell to CPC in their March 27, 2007 agenda packet. Staff did not request that CPC form a subcommittee to evaluate the revisions because a subcommittee had been extensively involved in the previous revision process and the current changes are more straightforward and less subject to interpretation. Further, due to the need to expeditiously revise planning group bylaws to reflect the Brown Act, staff wanted to submit changes to the City Council in a timely manner. At the March 27th meeting, CPC members requested time to review and comment on the revisions. Staff returned to CPC at their meeting of April 24, 2007 with additional revisions suggested by the City Attorney's Office. At the meeting, staff reviewed the proposed changes to Council Policy 600-24 and bylaws shell with CPC in detail.

CPC had concerns about two specific revisions to Council Policy 600-24 and the bylaws shell: requiring community elections for two or more concurrent vacancies and requiring candidates for election to have attended three planning group meetings prior to the February meeting. The provision to require elections by all eligible individuals of the community for two or more concurrent vacancies on a planning group was added to allow the community at large to have input into a majority of elected seats. However, CPC members believed the requirement was unnecessary and would create an undue burden on planning groups to conduct broad elections throughout the year. Thus, CPC approved a motion to recommend striking the proposed language. In response to this motion, CPCI has modified the language to allow planning groups to choose whether they will elect members for two or more vacancies or conduct a broader election with all eligible individuals of the community.

CPC also had a concern about the requirement that, in order to be a candidate in a March election, an eligible individual of the community must have documented attendance at three meetings prior to the February meeting. This provision was added to ensure that candidates demonstrate a proven interest in the planning group prior to running for election and to discourage single issue candidates. However, CPC considered this provision onerous and believed it would prevent good candidates from running. CPC approved a motion to recommend elimination of the requirement to attend three meetings for planning group candidates and give groups the option of choosing how many meetings, if any, would be required for candidates to run. In response, CPCI has modified the Policy and the bylaws shell to provide an option of requiring one, two or three meetings prior to becoming a candidate for election.

In addition to the formal motions, individual CPC members provided many comments on the revisions which staff has evaluated and made several modifications to the Policy and shell in response. Attachment 4 contains a summary of CPC input received and staff response to the input. Of particular concern to some of the members was Article IX of bylaws shell that outlines a procedure for planning groups to investigate alleged Council Policy 600-24 violations by a planning group member. In response to CPC input during the 2005 Council Policy 600-24 revision process, language was added to the adopted Policy to give planning groups the responsibility to investigate and try to resolve individual violations. The procedures have been further defined in the bylaws shell to

give planning groups guidance on how to conduct investigations. CPC members voiced concerns at the April 24th meeting that they lack the expertise, resources and authority to conduct investigations which may also subject them to litigation. However, staff has retained the language in order to reflect 2005 changes to Council Policy 600-24 and empower planning groups to handle violations by individual members.

Staffing

Under direction of the Mayor's Office, CP&CI provides staff assistance to the City's 42 recognized community planning groups. Upon adoption of an amended Council Policy 600-24 and bylaws shell, CPCI will work with planning groups on revisions to their bylaws. In addition, staff will begin working on revisions to the Administrative Guidelines for Council Policy 600-24 to provide recognized community planning groups with a more detailed discussion of operating procedures and responsibilities. Costs associated with providing assistance to planning groups to revise their bylaws will be managed as part of the CPCI work program, with possible delay to other community planning program elements.

In discussing Brown Act provisions that planning groups must now adhere to, several planning group members indicated they are not set up or funded to meet Brown Act requirements such as mailing agendas, providing copies of materials or retaining records. CPCI agrees with this assessment and believes these tasks should be centralized within the City. Part time administrative staff will be utilized for ongoing administrative support of the planning groups to reduce the budgetary impacts of these new requirements.

Conclusion

CPCI, on behalf of the Mayor's Office, recommends approval of the draft revisions to Council Policy 600-24 including a standardized bylaws shell. Revisions have been made to reflect LU&H input, incorporate the Brown Act and make other clarifying changes. In addition, staff has made additional revisions based on CPC input.

FISCAL CONSIDERATIONS:

Costs associated with providing assistance to all recognized community planning groups to revise their bylaws to come into compliance with the amended Council Policy 600-24 provisions will be managed as part of the CPCI work program, with possible delay to other program elements. Part time administrative staff will be utilized for ongoing administrative support of the planning groups to reduce the budgetary impacts of these new requirements.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On October 25, 2006, the Land Use and Housing Committee voted 4-0 to refer revisions to Council Policy 600-24 to the City Council to reference the bylaws shell with its standardized provisions, and to include a process for community planning groups to apply for variances with the right to appeal to LU&H.

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On October 17, 2005, the City Council voted to adopt Resolution R-300940 to amend Council Policy 600-24 and direct that planning group bylaws be amended to reflect the revised council policy by April of 20907.

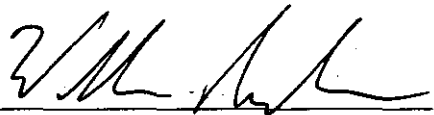
COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

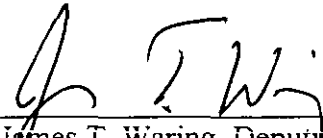
City staff worked closely with community planning groups and the CPC on revisions to Council Policy 600-24 that were approved in October of 2005. Proposed to incorporate LU&H direction, the Brown Act and other changes were given to the CPC on March 27, 2007 and April 24, 2007. Staff discussed the proposed changes with CPC at their April 24, 2007 meeting. As a result, staff agreed to make many of the changes to the Council Policy and bylaws shell suggested by CPC.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

Key stakeholders in this effort are existing and prospective community planning group members who will work on and operate under revised community planning group bylaws. In addition, the revisions will positively affect City departments, project applicants and the general public who interact with community planning groups by providing more standardized operating procedures.

Respectfully submitted,


William Anderson, FAICP, Director
City Planning and Community Investment


James T. Waring, Deputy Chief
Land Use and Economic Development

WARING/ANDERSON/MPW

Attachment(s):

1. Draft Revisions to Council Policy 600-24 and the Bylaws Shell, dated May 8, 2007
2. City Attorney Memorandum of Law dated 10/27/06 titled "Application of the Brown Act to Meetings of Community Planning Groups and the Community Planners Committee"
3. Revised Council Policy 600-24 and Bylaws Shell Provisions discussed at the Land Use & Housing Committee on 10/26/06
4. CPC Comments of 4/24/07 on draft revisions to Council Policy 600-24 and the Bylaws Shell with Staff Responses

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COUNCIL POLICY

SUBJECT: STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES OF
RECOGNIZED COMMUNITY PLANNING GROUPS

POLICY NO.: 600-24

EFFECTIVE DATE: DRAFT REVISIONS 5/9/07

BACKGROUND:

Community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically, concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries. Planning groups also advise on other land use matters as requested by the City or other governmental agencies.

Council This Policy 600-24 applies to the 12 to 20 elected or duly appointed members of a recognized community planning group, herein referred to as members.

Planning groups are private organizations. The City does not direct or recommend the election of specified individual planning group members, nor does the City appoint members to planning groups, or recommend removal of individual members of a planning group. The City does not delegate legal authority to planning groups to take actions on behalf of the City. Planning groups are voluntarily created and maintained by members of communities within the City. This Council Policy 600-24 was created to provide the guidance for organizations operating as officially recognized community planning groups.

In 2006, it was determined that since planning groups are advisory bodies created by an action of the City Council, that they are subject to California's Open Meeting Law, the Ralph M. Brown Act ("Brown Act") (California Government Code Sections 54950 through 54963). The 2007 amendments to this Council Policy 600-24 incorporate clear direction to planning groups about compliance with the Brown Act.

Bylaws of recognized community planning groups shall be amended to conform to the 2007 amendments to this Council Policy 600-24 within 6 months from the enactment of the 2007 amendment. Until the expiration of 6 months, or adoption of bylaws amendments, whichever comes first, a planning group operating in conformance with bylaws that were previously approved by the City Council, shall be deemed to be operating in conformance with this Policy.

PURPOSE:

The purpose of Council Policy 600-24 is to identify responsibilities and to establish minimum operating procedures governing the conduct of planning groups when they operate in their officially recognized capacity.

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POLICY:

It is the policy of the City Council to require each recognized community planning group, as a condition of official recognition by ~~The~~the City of San Diego, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws," to the ~~Planning Department~~City. These bylaws must contain, at a minimum, all the provisions addressed in ~~Council~~this Council Policy 600-24-600-24, and conform to the criteria contained herein, including the standardized bylaws shell attached to this Policy. Individual planning groups' bylaws may utilize options within the standardized bylaws shell and may also expand on provisions in this Policy to better meet the needs of diverse communities. However, all bylaws must remain in conformance with the provisions of this Policy to maintain official recognition by the City. The original bylaws for each planning group and the initial members and terms of each planning group seat and member will be submitted for approval by resolution of the City Council.

Community p~~Planning~~ groups that are also incorporated under the laws of the State of California, shall maintain corporate bylaws separate from the planning group bylaws.

Subsequent amendments to adopted bylaws may be proposed to the City by a majority vote of the elected membership of a community planning group. Amendments shall be approved by the ~~Planning Director~~Mayor's Office and City Attorney if determined to conform with this Policy. Bylaws amendments that cannot be approved by the ~~Planning Director~~Mayor's Office and City Attorney ~~will~~may be taken to the City Council- for consideration. A planning group's proposed revisions to their adopted bylaws, to bring them into conformity with the 2007 revisions to this Policy, to the extent such bylaws are inconsistent with this Policy, do not go into effect, and may not be used by the planning group, until the City has approved the bylaws and has notified the planning group of the effective date of the amendment. Failure of a planning group to comply with the approved operating procedures and responsibilities will be cause for the City Council to withdraw official recognition.

Planning groups must utilize ~~this this~~this Council Policy 600-24 and their adopted bylaws to guide their operations. ~~The Planning Director~~City staff is assigned to prepare and maintain Administrative Guidelines in consultation with the Community Planners Committee. The Administrative Guidelines are intended to explain this Policy's minimum standard operating procedures and responsibilities of planning groups. The Administrative Guidelines provide the planning groups with explanations and recommendations for individually adopted bylaws and planning group procedures. Robert's Rules of Order Newly Revised should be used when this Policy, the Administrative Guidelines, and planning group bylaws do not address an area of concern or interest. It is also the policy of the City Council that the City shall indemnify, and the City Attorney shall defend, a recognized community planning group or its individual members in accordance with Ordinance No. O-17086 NS entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages." Generally, a planning group or its duly elected or appointed members may be

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~~indemnified against claims or actions by the City and defended by the City Attorney if the planning group or its duly elected or appointed members meet the criteria set forth in the Ordinance. Most importantly, the claim or action must have arisen out of the planning group or its members acting in conformance with this Policy and the planning group's adopted bylaws.~~ as discussed further in Article IX, Section 1, and any future amendments thereto.

The intent of the Brown Act, as stated in section 45950, is that the actions of public bodies, "... be taken openly and that their deliberations be conducted openly" This is consistent with the goals of the City and planning groups operating pursuant to this Policy. Accordingly, community planning groups shall ensure that all meetings are open to the public, properly noticed, and conducted in compliance with each of the Brown Act provisions as identified in this Policy.

ARTICLE I Name

Section 1. ~~The~~A recognized community planning group shall adopt an official name which shall be subject to the approval of the City Council.

Section 2. All activities of a recognized community planning group shall be conducted in its official name.

Section 3. A boundary for a recognized community planning group's area of authority is based on the boundary of the applicable adopted community plan. The boundary is intended to give a planning group the advisory responsibilities over an area that has been established based on logical, man-made, or geographic boundaries. In some cases, the City Council may determine that a boundary other than that of an adopted plan is the appropriate boundary for a planning group's oversight, and may identify an area either smaller than, or more encompassing than, an adopted community plan.

—The community planning area boundaries which are applicable to each recognized community planning group shall be shown on a map to be included in the bylaws as Exhibit "A."

—In accordance with Brown Act section 54954(b), meetings of recognized community planning groups shall be held within these boundaries. When, however, a community planning group does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.

Section 4. The official positions and opinions of ~~the~~a recognized community planning group shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

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ARTICLE II—Purpose of Community Planning Group and General Provisions

- Section 1. Recognized cCommunity planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically, concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each ~~recognized community~~ planning group's planning area boundaries. Planning groups also advise on other land use matters as requested by the City or other governmental agency.
- Section 2. The A recognized community planning group reviewing individual development projects should focus such review on conformity with the adopted Community Plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, a formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. -Substantive changes in projects subsequent to completion of the environmental review process will sanction further evaluation by the planning group. This will provide staff and the project applicant the opportunity to respond to the comments or concerns and potentially resolve possible conflicts before the project is noticed for discretionary action.
- Section 3. Insofar as the efforts of ~~the a~~ recognized community planning group are engaged in the diligent pursuit of the above purpose, City staff assistance, if any, shall be provided ~~from the Planning Department, and/or other appropriate staff~~⁴⁸ under the direction of the ~~City Manager~~ Mayor's Office.
- Section 4. All activities of recognized community planning groups shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, Brown Act section 54953.2 requires that meeting facilities must be accessible to persons with disabilities.
- Section 5. A recognized community planning group shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Planning group members shall not identify affiliation with a planning group when endorsing candidates for public office. A planning group may take a position on a ballot measure.
- Section 6. Pursuant to the provisions of City Council Policy 600--5, a recognized community planning group's consistent failure to respond to the City's request for planning group input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and

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reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent its community for these purposes. Such a determination resulting in the forfeiture of rights to represent its community for these purposes shall be made only by the City Council upon the recommendation of the Planning Department, Mayor's office.

Section 7. A recognized community planning group may propose amendments to its bylaws by majority vote of the elected members of the group. Proposed amendments shall be submitted to the offices of the Mayor and to the City Attorney, respectively, for review and approval. The City shall review proposed bylaws amendments in a reasonable timeframe made known to the planning group. Any proposed amendments that are inconsistent with the standardized bylaws shell, attached to Council Policy 600-24, shall not be approved by the Mayor and City Attorney. Bylaws which deviate from the Policy and shell shall be forwarded to the responsible Council Office(s) for possible City Council consideration. be scheduled for consideration by City Council.

ARTICLE III Community Planning Group Organizations

Section 1. ~~The~~ A recognized community planning group shall consist of a specific number of members that is not fewer than 12 nor more than 20, provided, however, that when a larger membership shall give better representation to a community, the City Council may approve such larger membership. Upon recognition by the City Council, the members of the planning groups shall constitute the official planning group for the purposes set forth in Article II.

Section 2. The members of ~~at~~ a recognized community planning group shall consist of the members as of the date of recognition by the City Council, and of such additional members as shall thereafter be elected by eligible individuals of the community members or duly appointed in the manner prescribed by ~~Council~~ this Policy, ~~600-24.~~

Section 3. Members of recognized community planning groups shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

~~—Elected~~ pPlanning group members shall be elected by and from eligible individuals ~~members~~ of the community. To be an ~~eligible, community member~~ individual an individual must be at least 18 years of age, and shall be affiliated with the community as a:

~~(1)(1)~~ (a) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or

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(2)(2) — (b) resident, who is an individual whose primary address of residence is an address in the community planning area, or

(3)(3) — (c) local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area. Eligibility may be further defined in planning group bylaws.

On occasion, a planning group may deem it appropriate to designate appointed seats to better represent specific interests of the community. If used, a planning group's bylaws shall specify whether appointed seats make up one or more of the 12 to 20 voting planning group seats or are non-voting seats. Appointed seats are filled by the appointing agency or organization.

Demonstration of individual eligibility to vote as a property owner, resident, or local business person, as described in (1) through (3) above, may be achieved through an application showing evidence of qualifications. Eligibility (and demonstration of eligibility) to vote may be further defined in planning group bylaws. This may include minimum attendance requirements. Once eligibility to vote in an election is established, an individual remains eligible until he or she does not meet the eligibility requirements. Individuals will be required to provide proof of eligibility in order to vote.

Section 4. Members of a recognized community planning group shall be elected to serve for fixed terms of two to four years with expiration dates during alternate years to provide continuity. This can vary for the purpose of the selection of initial group members for new groups. No person may serve on a planning group for more than eight consecutive years if members are elected to two- or four-year terms, or nine consecutive years if members are elected to three-year terms. The eight or nine year limit refers to total service time, not to individual seats held.

—After a one-year break in service as a planning group member, an individual who had served for eight or nine consecutive years shall again be eligible for election to the committee.

Council — This Council Policy 600-24 600-24 provides an exception for a planning group to retain some members who have already served for eight or nine consecutive years to continue on the planning group without a break in service if not enough new members are found to fill all vacant seats as follows:

—A planning group member who has served eight or nine consecutive years may appear on the ballot with new candidates. After open seats are filled with qualified new members, and if open seats still remain, the following provisions may be utilized: A member may serve in excess of eight or nine consecutive years (as

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specified above) if that person is reelected to a remaining open seat by at least a two-thirds majority of the votes cast by eligible community members participating in the regular election. The number of individuals on a planning group serving more than eight or nine consecutive years shall in no case exceed twenty-five percent of the voting committee membership.

| _____ The term of a member elected by a two-thirds vote serving beyond eight or nine years shall count as time served beyond the required break in service as required by this section. Future consecutive election of the member who has served beyond eight or nine years is subject to the requirements of this section.

| Section 5. -A member of a recognized community planning group must retain eligibility during the entire term of service. A planning group member may be removed from the planning group, upon a majority vote of the planning group, if, during a regularly scheduled public meeting, the Secretary presents documentation to the planning group and has notified the member in question that the member is no longer eligible to serve. Ineligibility may be due to not meeting the membership qualifications found in Article III, Section 3 or Article IV, Section 1 of this Council Policy and in the group's adopted bylaws.

| Section 6. ~~In cases of alleged violations of this Council Policy or a recognized community planning group's bylaws by a planning group member, the planning group shall conduct an investigation consistent with the Administrative Guidelines and adopted planning group bylaws.~~

~~If the planning group, after a thorough investigation, determines that the individual member has violated a provision of the council policy or the planning group's bylaws, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.~~

~~If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and in adopted planning group bylaws. A member found to be not in compliance with the provisions of this Council Policy or adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086-NS.~~

Section 7. ~~In cases of alleged violations of Council Policy 600-24 or planning group bylaws against a recognized community planning group as a whole, City staff will work with the planning group to investigate allegations and to remedy any violations. If severe, documented violations occur, or if repeated violations occur, City staff may request the assistance of the Community Planners Committee (CPC) to help determine an appropriate course of action.~~

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If a violation against a recognized community planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Planning Department to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated. A

Section 6. A recognized community planning group member or planning group found to be out of compliance with the provisions of Council Policy 600-24, or its the planning group's adopted bylaws, risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Violations of the Brown Act may, in some circumstances, carry civil or criminal consequences as described in this Policy at Article IX, Section 2. However, as stated in a memorandum prepared by the City Attorney, by implementing bylaws and operating in compliance with this Policy, planning groups will be considered to be in substantial compliance with the Brown Act. (City Att'y MOL No. 2006-26)

ARTICLE IV - Vacancies

Section 1. The A recognized community planning group shall find that a vacancy exists upon receipt of a resignation in writing from one of its members, or upon receipt of a written report from its secretary reporting the third consecutive absence, or fourth absence in the 12-month period of April through March each year, of a member(s) from regular monthly meeting as established under Article VI, Section 2 below.

Section 2. Vacancies A single vacancy of an elected seat that may occur occurs on a recognized community planning group shall be filled by the planning group in a manner specified by the bylaws of the planning group, not.

Two or more concurrent elected community planning group vacancies shall be filled by the planning group or by a vote of all eligible members of the community by secret written ballot. Vacancies shall be filled as they occur no later than 120 days, following the date of the determination of the vacancy, unless the end of the 120 day period would occur within 90 days of the annual March election as described in Article V.

Vacancies of appointed seats shall be filled by the appointing agency in the manner specified in a planning groups bylaws.

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—The term of office of any member filling a vacancy in accordance with the procedure established in Article III, Section 4 above shall be for the balance of the vacated term.

Section 3. When a recognized community planning group is unable to fill a vacancy within the 120 days, as specified above, and the planning group has more than twelve members, the planning group shall either leave the seat vacant until the next planning group election, or amend its bylaws to permit decreased membership to a minimum of twelve members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and the planning group has less than ~~twelve~~ 12 members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the ~~Planning Department~~ City. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive and the ~~Planning Department~~ City shall notify the City Council that the planning group will be inactive until it has attained at least 12 members in good standing. The ~~Planning Department~~ City shall assist with the planning group election in the attempt to regain the minimum Policy membership requirement of 12 members.

ARTICLE V Elections

Section 1. ~~General e~~Elections of recognized community planning group members shall be held during the month of March in accordance with procedures specified in adopted planning group bylaws. Planning groups shall hold elections every year or every other year.

_____ In the election process, ~~at~~the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight or nine consecutive years to leave the group for at least one year.

_____ In order to be a candidate in the March general election, an eligible individual member of the community must have documented attendance at a minimum of one~~three~~ of the planning group's last 12 meetings prior to the February noticed regular or special meeting of the full planning group membership preceding the election.

_____ Planning groups may establish voting procedures that include opportunities for multiple voting times ~~or on the date of the election, or for multiple~~ locations, ~~or both,~~ provided those procedures allow for the completion of the election during the month of March and they demonstrate an ability to assure fair access and avoidance of voting improprieties. Where an opportunity to vote on more than one date is proposed, then the voting procedures for such an election shall be submitted, at least forty-five (45) days in advance of the first day that voting is proposed to occur, to

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the office of the Mayor and to the City Attorney, respectively, for review and approval. All voting procedures must insure that voting is done only by eligible members of the community.

Section 2. ~~The Planning Department~~City shall publicize the elections of recognized community planning groups through the ~~Planning Department~~City website, City TV24 programming, electronic mail, the City's webpage, and other available effective means.

~~A~~The planning group shall make a good faith effort to utilize means appropriate to their communities to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

Section 3. Voting shall be by secret written ballot. Recognized community planning groups may establish bylaw provisions to address procedures for mailing in ballots for elections if the planning group determines that this procedure, or another specified procedure, would increase community participation in the election process. Under no circumstances is proxy voting for elections allowed. At a minimum, ballots shall be available for a specified period at the noticed planning group meeting at which the election will be held.

Section 4. Unless otherwise explicitly provided for in a recognized community planning group's bylaws, an election becomes final after announcing the election results at a noticed planning group meeting. New members shall be seated in April.

ARTICLE VI-Community Planning Group and Planning Group Member Duties

Section 1. It shall be the duty of a recognized community planning group to cooperatively work with the ~~Planning Department and, as appropriate, the City Manager~~ Mayor's staff throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

~~In accordance with the Brown Act section 54953(a) it shall be the duty of all recognized community planning group members to meet in open and in public, and all persons shall be permitted to attend any meeting of the planning group except as otherwise noted in this Policy.~~

~~The community~~ ~~Planning group members shall conduct official business of the planning group in a public setting. It is recognized that the officers of a~~ ~~the planning group may oversee administrative business of a~~ ~~the planning group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.~~

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—It shall be the duty of a planning group as a whole, and of each individual planning group member, to refrain from conduct that is detrimental to the planning group or its purposes under ~~this Council~~ Council Policy 600-24. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

Section 2. Recognized community planning groups and planning group members are responsible for assuring compliance of meeting procedures and meeting records requirements under this Policy.

~~—(a)—~~ Meeting Procedures

It shall be the duty of each recognized community planning group member to attend all planning group meetings. ~~Regular meetings shall be periodically held by the planning group to meet with the Planning Department at a mutually agreed upon time and location during appropriate periods in the planning process.~~

(1) i. Regular Meeting Agenda Posting. In accordance with Brown Act section 54954.2(a), at least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time, and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of an agenda item shall include the intended action of the planning group regarding that item, for example, stating that the item is an information item only or it is an action item.

ii. ~~(2)—~~ Public Comment.

1. —Agenda Items: Any interested member of the public may comment on agenda items during regular or special planning group meetings. (Brown Act section 54954.3(a))

2. —Non-Agenda Items: Each agenda for a regular planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda, but that are within the scope of the planning group. (Brown Act section 54954.3(a)) Planning group members may respond by asking for more factual information, or by asking a question to clarify, and also may schedule the item for a future

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agenda. However, no discussion, debate, or action may be taken on such items. (Brown Act section 54954.2)

3. —A planning group may adopt time limits for individual items and for individual speakers to ensure operational efficiencies but such time limits must be reasonable and give competing interests equal time. (Brown Act section 54954.3(b))

iii.(3) **Adjournments and Continuances.** In accordance with Brown Act section 54955, planning group meetings may be adjourned to a future date. Within 24 hours, a notice of adjournment must be clearly posted on or near the door of the place where the original meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of the planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

In accordance with Brown Act section 54954.2, if a subsequent meeting is held more than 5 days from the original meeting, a new regular meeting agenda must be prepared (*); otherwise if 5 days or less shorter, the original meeting agenda is adequate.

iv.(4) **Continued Items.** In accordance with Brown Act section 54955.1, if an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

v. (5) **Consent Agenda.** In accordance with Brown Act section 54954.3(a), for items to be considered for a "Consent Agenda" all of the following are required:

1. A subcommittee of the planning group has discussed the item at a noticed subcommittee meeting.
2. All interested members of the public were given an opportunity to address the subcommittee, and
3. The item has not substantially changed since the subcommittee's consideration.

The comments of the subcommittee and those made by interested members

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-of the public should be reflected in the minutes of the subcommittee. Any
-interested member of the public may comment on a consent agenda item.
-Any interested member of the public may take a consent agenda item off
the consent agenda by request.

A (vi.6) **Quorum and Public Attendance.** This Policy defines a quorum, defined as a majority of non-vacant seats of a planning group. In accordance with Brown Act section 54952.2, a quorum must be present in order to conduct business and/or, to vote on projects or, and to take actions at regular or special planning group meetings.

In accordance with Brown Act section 54953.3, no member of the public shall be required, as a condition of attendance at any meeting of a planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

vii. (7) **Development Project Review.** Planning groups may not, as a condition of placing an item on their agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

It shall also be the duty of a planning group, when reviewing development projects, to allow participation of affected property owners, residents and business establishments within proximity to the proposed development.

AThe planning group shall directly inform the project applicant or representative in advance each time that such review will take place and provide the applicant with an opportunity to present the project.

viii. (8) **Action On Agenda Items.** In accordance with Brown Act section 54954.2(b)(2), an item not noticed on the agenda may be added if either two-thirds of the entire elected membership, or every member if less than two-thirds are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning group -subsequent to the agenda being posted.

In accordance with Brown Act section 54953(c), planning groups shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail is also prohibited.

Votes taken on agenda items shall reflect the positions taken by the elected

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or appointed positions on the planning group identified in Article III, Section 1 of this Policy.

ix. ~~(9)~~ **Collective Concurrence.** In accordance with Brown Act section 54952.2,

any attempt to develop a collective concurrence of the members of a planning group as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

x. ~~(10)~~ **Special Meetings.** In accordance with Brown Act section 54956, the chair of a planning group, or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

xi. ~~(11)~~ **Emergency Meetings.** Brown Act section 54956 describes emergency meetings for matters related to public health and safety. These matters are outside of the purview of a planning group and are prohibited under this Policy.

xii. ~~(12)~~ **Right To Record.** In accordance with Brown Act sections 54953.5 and 54953.6, any person attending a meeting of the planning group must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

xiii. ~~(13)~~ **Disorderly Conduct.** In accordance with Brown Act section 54957.9, in the event that any planning group meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the planning group may first cause removal of the individual or individuals. If that is unsuccessful then the planning group may order the meeting room cleared and continue in session

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on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The planning group may also readmit an individual or individuals who were not responsible for the disruption.

(b) Subcommittees

Recognized community planning groups are encouraged to establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

i. (1) — **Standing SubCommittees.** Standing subcommittees are on-going subcommittees tasked with reviewing specific issue areas, such as development review. In accordance with Brown Act section 54952(b), all standing subcommittees of a planning group are subject to Brown Act public noticing and meeting requirements as set forth in Council Policy 600-24, Article IV, Section 2(a).

ii. (2) — **Ad Hoc Subcommittees.** Ad hoc subcommittee meetings are established for a finite period of time to review more focused issue areas and are disbanded following their review. While the Brown Act does not impose requirements upon ad hoc subcommittees when made up entirely of members of the planning group and constituting less than a quorum of the planning group (Brown Act section 54952), this Policy requires all subcommittee meetings be noticed and open to the public by inclusion of the meeting announcement on a regular meeting agenda, by an electronic notice, or by announcement at a regular planning group meeting.

iii. **Subc(3)Committee Composition.** All committees and subcommittees shall contain a majority of members who are members of the planning group. Any member of a committee or subcommittee, who is not a member of the planning group, shall have completed formal training by the City in the duties and responsibilities of community planning groups, before serving on any such committee or subcommittee.

iv. (4) — **Recommendations.** All committee and subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

(c)

(e) Abstentions and Recusals

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i. (1) **Recusals.** Any member of a recognized community planning group with a direct economic interest in any project that comes before the planning group or its committees or subcommittees must disclose to the planning group that economic interest, and must recuse himself or herself from voting and must not participate in any manner as a member of the planning group for that item on the agenda.

ii. (2) **Abstentions.** In accordance with the Brown Act section 54953(c), all action taken by the planning group including votes must be taken in public.

In limited circumstances, from time to time, planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

(d) **Meeting Documents and Records**

i. (1) **Agenda by Mail.** In accordance with Brown Act section 54954.1, requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

ii. (2) **Agenda at Meeting.** In accordance with Brown Act section 54957.5, any written documentation, prepared or provided by City staff, applicants, or planning group members, that is distributed at a planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at a planning group meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charged for the cost of reproduction of any materials requested by an individual or individuals. Further, the planning group may charge for the cost of reproduction of any materials requested by an individual or individuals.

A (iii.3) **Minutes.** For each planning group meeting, a report of planning

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~~group member attendance and a copy of approved minutes, which include the votes taken on each matter acted upon for each meeting, shall be retained by a planning group~~thea -planning group, and shall be available for public inspection. Additionally, a copy of the approved minutes shall be submitted to the Planning Department within 14 days after approval by the planning group. Planning group actions on specific projects should include the planning group's vote, and should indicate whether or not the applicant~~The minutes of each planning group meeting shall include the votes taken on each action item, and should record the names of the speakers, the nature of the public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group, and if not, should indicate what. If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification was (e.g., electronic, telephonic, facsimile) provided to the applicant requesting his/ or her appearance at the planning group meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group.~~

~~A planning group may hold meetings other than regular meetings in accordance with a policy established by the planning group except that executive sessions [meetings excluding some planning group members or members of the public] shall be prohibited.~~

~~Planning groups are encouraged to establish subcommittees when their operation contributes to more effective discussions at regular planning group meetings. All meetings of committees and subcommittees shall be open to the public and shall be conducted in accordance with Robert's Rules of Order except as otherwise provided in Council Policy 600-24, the Administrative Guidelines, and/or by the adopted planning group bylaws.~~

~~Planning groups are not required to audio or videotape their meetings but if they do, in then, accordance with Brown Act section 54953.6, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.~~

~~iv. (4) —~~**Records Retention.** In accordance with Brown Act 54957.5, planning group records must be retained for public review. City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.

Section 3. It shall be the duty of a recognized community planning group and its members to periodically seek ~~communitywide~~community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section ~~1.1~~ 1 of ~~this Council Policy 600-24.~~ The planning group shall give due

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consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large.

~~It shall also be the duty of a planning group, when reviewing development projects, to allow participation of affected property owners, residents and business establishments with proximity to the proposed development.~~

~~The planning group shall inform the project applicant or representative each time that such review will take place and provide the applicant with an opportunity to present the project. Any interested member of the public shall be given an opportunity to comment on projects during planning group meetings.~~

Section 4. It shall be the duty of a recognized community planning group to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the ~~Planning Department~~City. ~~A~~The planning group must also submit to the ~~Planning Department~~City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to the duties enumerated in Article II, Section 1 above of this Policy. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. A recognized community planning group may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required; and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. It shall be the duty of each recognized community planning group member to attend an orientation training session administered by the ~~Planning Department~~City as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages," as discussed further in Article X, Section 1, and any future amendments thereto."

It shall be the duty of the ~~Planning Department~~City to offer at least two orientation sessions each year as well as topic-specific sessions intended to advance the knowledge of planning group members in subjects within the scope of responsibilities of recognized community planning groups. Newly seated planning group members must complete an orientation training session within 12 months of being elected or appointed to a planning group, or the member will ~~be~~become ineligible to serve.

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~~Section 7. Any member of a recognized community planning group with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.~~

~~Section 8. In limited circumstances, recognized community planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.~~

~~Section 9. Recognized community planning groups shall not engage in, or allow, proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as telephoning or emailing a vote, are also prohibited.~~

~~Section 10. It shall be the duty of all recognized community planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions.~~

~~However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.~~

~~Any attempt to develop a collective concurrence of the elected or appointed members of a recognized community planning group as to action to be taken on an item by members of the [planning group], other than at a properly noticed public meeting, either by direct communication, personal intermediaries, serial meetings, or technological devices, is prohibited.~~

~~Section 11. Subcommittee recommendations must be brought forth to the full recognized community planning group for formal vote at a noticed public meeting. In no case may a subcommittee recommendation be forwarded to the City as the formal recommendation of the planning group.~~

ARTICLE VII__—Planning Group Officers

Section 1. The officers of a recognized community planning group shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary and, by policy, a planning group's bylaws may include such other officers as the planning group may deem necessary. Further duties of the officers may be defined in planning group bylaws. AThe planning group shall determine the length of an officer's term in its bylaws, except that no person may serve in the same planning group office for more than eight or nine consecutive years. After a period of one year in which

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that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group.

Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.

Section 4. Secretary. The Secretary shall be responsible for ~~at the~~ recognized community planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by ~~specific action vote of at the planning group~~, some other member may be selected as the official representative to CPC with the same voting rights and privileges as the Chairperson. Each planning group ~~may~~ should also vote to select an alternate CPC representative.

Section 6. It shall be the duty of the officers of recognized community planning groups and of the Community Planners Committee representative to promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII - Planning Group Policies and Procedures

~~Section 1.~~ In addition to incorporating the policies outlined in Articles I through VII into recognized community planning group bylaws, each planning group shall include policies and procedures found necessary for the group's effective operation under this Policy. The following topic areas are those to be addressed. Explanations of when and why to adopt procedures or policies are found in the Administrative Guidelines.

(1) ~~(1)~~ Community Participation, suggested but not limited to: community outreach; assurances of seeking diverse representation on the planning group.

(2) ~~(2)~~ Planning Group Composition, suggested but not limited to: methods for anticipated conversion of planning group seats, such as developer seats or appointed

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seats, as applicable; general membership eligibility and recordkeeping, as applicable; involving the community at large.

(3) (3) — Conduct of Meetings, suggested but not limited to: meeting noticing, including subcommittees; meeting operations such as time limits on speakers and maintaining a civil meeting environment; subcommittee operations such as process for project reviews and bylaw amendments; role of the chair in voting; role of a general membership or the public in discussing agenda items.

(4) (4) — Member and Planning Group Responsibilities, suggested but not limited to: filling vacant seats either during a term or following an election; how planning group positions will be represented to the City; discipline or removal of an individual member; bylaw amendment process, including the development of procedures companion to the bylaws.

(5) (5) — Elections, suggested but not limited to: promoting planning group elections; determining eligibility of candidates and voters; ballot preparation, handling, and counting procedures; poll location and operation criteria; election challenges.

Section 2. — Bylaws of recognized community planning groups shall be amended to conform with the 2005 amendment to this policy within 18 months from the enactment of this amendment. Until the expiration of 18 months, or adoption of bylaws amendments, whichever comes first, a planning group operating in conformance with bylaws that were previously approved by the City Council, shall be deemed to be operating in conformance with this policy.

ARTICLE IX. Rights and Liabilities of Recognized Community Planning Groups

Recognized community planning groups operating under Council Policy 600-24 are afforded certain protections for their activities within their identified scope of responsibilities. In addition however, there are certain exposures for not operating in compliance: penalties imposed per this Policy and penalties associated with non-compliance with the Brown Act provisions that are identified in this Policy.

As reviewed in a memorandum prepared by the City Attorney, issued November 3, 2006, (City Att'y MOL No. 2006-26), the Brown Act provides various remedies for violation of its provisions but by implementing bylaws and operating in compliance with this Policy, planning groups will be considered to be in substantial compliance with the Brown Act. Any planning group, or any of its individual members, may seek assistance and training, from the City Attorney to conform with the Brown Act.

Section 1. Indemnification and Representation

A recognized community planning group and its duly elected or appointed members have a right to representation by the City Attorney and a right to

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indemnification by the City under Ordinance O-17086 NS, and any future amendments thereto, if: the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in Policy 600-24, Article II, Section 1; their conduct was in conformance with Policy 600-24 and the Bylaws of the community planning group; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies

As reviewed in a memorandum prepared by the City Attorney, issued November 3, 2006, (City Att'y MOL No. 2006-26), the Brown Act provides various remedies for violation of its provisions but by implementing bylaws and operating in compliance with this Policy, planning groups will be considered to be in substantial compliance with the Brown Act. Any planning group, or any of its individual members, may seek assistance and training, from the City Attorney to conform with the Brown Act.

The Brown Act includes civil remedies (Brown Act sections 54960 through 54960) and criminal penalties (Brown Act section 54959) for violation of its provisions. Thus, planning groups are encouraged to proactively cure violations themselves. This is to prevent legal actions that would void planning group actions, and it assures good faith, voluntary compliance with the Brown Act.

Both individual members of a planning group, as well as the planning group as a whole, could potentially be subject to civil remedies. Civil remedies may include relief to prevent or stop violations of the Brown Act, or to void past actions of the planning group, and may in some cases include payment of attorneys fees. Individual planning group members may potentially face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, but only if the member intended to deprive the public of information which the member knew or had reason to know the public was entitled. Action taken includes collective decisions or promises, and also includes tentative decisions, but does not include mere deliberation without taking some action. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Any planning group, or any of its individual members, may seek assistance, as well as training, from the City Attorney to better understand, to implement, and comply with the Brown Act.

Section 3. Council Policy 600-24 Violations and Remedies

Council Policy 600-24 provides various remedies for violation of its provisions by recognized community planning groups or their elected members. Where a planning group does not cure a violation by itself, it may forfeit its status as a

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recognized advisory body and lose its right to indemnification and defense by the City.

(a) Alleged Violations by a Member of a Recognized Community Planning Group

In the case of an alleged violation of this Policy or a recognized community planning group's adopted bylaws by a planning group member, the planning group shall conduct an investigation consistent with the Administrative Guidelines and adopted planning group bylaws.

If the planning group, after a thorough investigation, determines that the individual member has violated a provision of this Policy or the planning group's bylaws, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and in adopted planning group bylaws.

A member found to be not in compliance with the provisions of this Policy not subject to Brown Act or adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, as discussed further in Article X, Section 1, and any future amendments thereto.

(b) Alleged Violations by a Recognized Community Planning Group

In case the of an alleged violation of this Policy or adopted planning group bylaws by a recognized community planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City for investigation by the Mayor's office. The City will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute.

If a violation against a recognized community planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under this Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's

COUNCIL POLICY

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office to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

A planning group found to be out of compliance with the provisions of this Council Policy 600-24 that are not subject to the Brown Act or with its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Attachment: Draft Bylaws Shell Revision dated 5/9/07

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[CPG NAME] Bylaws
Amended [insert date]

DRAFT SHELL REVISION 5/9/07

ARTICLE I Name

- Section 1. The official name of this organization is the *[insert CPG name]*.
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the *[insert CPG name]* are the boundaries of the *[insert community name]* community, as shown on Exhibit "A".
- Section 4. Meetings of the *[insert CPG name]* shall be held within these boundaries, except that when the *[insert CPG name]* does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.
- Section 5. The official positions and opinions of the *[insert CPG name]* shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

- Section 1. The *[insert CPG name]* has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the *[insert community name]* community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency.
- Section 2. In reviewing individual development projects, the *[insert CPG name]* should focus such review on conformance with the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.

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- Section 3. All activities of the *[insert CPG name]* shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.
- Section 4. The *[insert CPG name]* shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.
- Section 5. Pursuant to the provisions of City Council Policy 600-5, the *[insert CPG name]*'s failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent the *[insert community name]* community for these purposes. Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's Office.
- Section 6. The *[insert CPG name]* operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in Council Policy 600-24. In addition, the Administrative Guidelines provide explanations of the Council Policy's 600-24's minimum standard operating procedures and responsibilities of this planning group. *Robert's Rules of Order Newly Revised* is used when the council policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.
- Section 7. The *[insert CPG name]* may propose amendments to these bylaws by majority vote of the elected members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the responsible Council Office(s) for possible City Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organizations

- Section 1. The *[insert CPG name]* shall consist of: ~~INSERT a specific number between 12-20 and CHOOSE ONE OPTION: (A) elected; or (B) elected and appointed~~ members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

Section 2.

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Council Policy 600-24 requires that elected members of the *[insert CPG name]* shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the *[insert CPG name]* elected seats are filled: **CHOOSE ONE OPTION:** (A.) by any eligible member identified below. There is no further restriction on the distribution of seats among interests in the community; or (B.) by distribution of seats among the following interests that represent the community: _____ seats for property owners; _____ seats for residents; and _____ seats for business representatives. *[go on to describe any further segmentation of these overall categories]*; or (C.) by a geographic distribution of seats among *[census tracts or neighborhoods or other geographic subdivisions]* as follows: _____ seats for *[area]*; _____ seats for *[area]*; etc. *[go on to describe any further segmentation of these geographic seats]*.

Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:

- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area.

An individual may become an eligible member of the community by: **CHOOSE ONE OPTION:** (A.) attending *[insert one, two or three]* meeting/s of the *[insert CPG name]* and submitting *[identify whether demonstration of eligibility may be accomplished by an application and/or by documented meeting attendance]* prior to the March general election; or (B.) demonstrating qualifications to be an eligible member of the community to the planning group Secretary or Election Committee prior to the March election or at the time of voting.

Once eligibility to vote is established, an individual remains an eligible member of the community until a determination is made that the individual does not meet the planning group's criteria and formal action is taken by the planning group. However, the *[insert CPG name]* shall require proof of eligibility during elections.

INSERT IF APPLICABLE: in addition to elected members, the *[insert CPG name]* has _____ appointed seats to better represent specific interests of the community. This/these seat(s) are appointed by _____ *[identify appointing]*

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agency]. Appointed seats are: ~~CHOOSE ONE OPTION: (A.) counted in the~~
~~[insert number of members] planning group membership and vote on planning~~
~~group business; or (B.) are not counted in the~~ ~~[insert number of members]~~
~~planning group membership and function in an advisory capacity.~~

Section 3. Members of the *[insert CPG name]* shall be elected to serve for fixed terms of:
~~CHOOSE ONE OPTION: (A.) 2 years; or (B.) 3 years; or (C.) 4 years~~ with
expiration dates during alternate years to provide continuity.

No person may serve on the planning group for more than: ~~CHOOSE ONE~~
~~OPTION: (A.) eight; or (B.) nine consecutive years.~~

The: ~~CHOOSE ONE OPTION: (A.) eight; or (B.) nine~~ year limit refers to total
maximum consecutive years of service time, not to individual seats held.

After a one-year break in service as a planning group member, an individual who
had served for: ~~CHOOSE ONE OPTION: (A.) eight; or (B.) nine~~ consecutive
years shall again be eligible for election to the planning group.

The planning group will actively seek new members to the extent feasible. If not
enough new members are found to fill all vacant seats the planning group may
retain some members who have already served for ~~CHOOSE ONE OPTION:~~
~~(A.) eight; or (B.) nine~~ consecutive years to continue on the planning group
without a break in service. Refer to Council Policy 600-24 Article III, Section 4
for further clarification.

Section 4. A member of the *[insert CPG name]* must retain eligibility during the entire term
of service.

Section 5. A member of the *[insert CPG name]* found to be out of compliance with the
provisions of Council Policy 600-24 or the planning groups adopted bylaws risks
loss of indemnification [legal protection and representation] pursuant to
Ordinance No. O-17086 NS, and any future amendments thereto.

Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as
outlined in Council Policy 600-24. A member of the *[insert CPG name]* who
participates in a meeting of the planning group where actions are alleged to have
been in violation of the Brown Act may be subject to civil or criminal
consequences.

ARTICLE IV Vacancies

Section 1. The *[insert CPG name]* shall find that a vacancy exists upon receipt of a
resignation in writing from one of its members or upon receipt of a written report
from the planning group's secretary reporting the third consecutive absence or

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fourth absence in the 12-month period of April through March each year, of a member(s) from the planning groups regular meetings.

Section 2. Vacancies that may occur on the *[insert CPG name]* shall be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.

The *[insert CPG name]* shall fill a single vacancy by selection by the planning group members at the time the vacancy is declared ~~[provide detail and timeframe]~~. Two or more concurrent planning group vacancies shall be filled by: ~~CHOOSE ONE OPTION: (A) selection by planning group members at the time the vacancies are declared [provide detail and timeframe]; or (B) an advertised general election pursuant to Article V [provide detail and timeframe]~~. Two or more concurrent planning group vacancies shall be filled by an advertised election pursuant to Article V.

Section 3. When the *[insert CPG name]* is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive until it has attained at least 12 members in good standing.

ARTICLE V Elections

Section 1. General elections of *[insert CPG name]* members shall be held during the month of March in accordance with the elections procedures found in Exhibit ___ of these bylaws.

The *[insert CPG name]*'s general elections shall be held: ~~CHOOSE ONE OPTION: (A) annually; or (B) every two years.~~

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning group membership preceding the election. The planning group's Election subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting.

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In order to be a candidate in the March election, an eligible member of the community [see Article III, Section 2] must have documented attendance at: ~~CHOOSE ONE OPTION: (A) one, or (B) two, or (C) three~~ meeting/s of the [insert CPG name]'s last 12 meetings prior to the February regular meeting preceding the election.

Section 2. The [insert CPG name] shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for: ~~CHOOSE ONE OPTION: (A) eight, (B) nine~~ consecutive years to leave the group for at least one year.

The [insert CPG name] holds its election: ~~CHOOSE ONE OPTION: (A) at the March regular meeting, [provide details]; or (B) at a special meeting in March, [provide details]; or (C) at multiple locations the day of the regular March meeting, [provide details]; or (D) at multiple locations prior to the regular March meeting, [provide details]; or (E) on multiple days prior to the regular March meeting, [provide details]; or (F) utilizing a combination of mail-in ballots and voting at the regular March meeting, [provide details]~~

~~INCLUDE IF E. SELECTED: The [insert CPG name] shall submit procedures to vote on more than one day to the Mayor and the City Attorney 45 days in advance of the 1st day of voting for review and approval.~~

The [insert CPG name] will require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community.

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates various categories of eligible community members can vote for and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight or nine consecutive years of service.

The [insert CPG name] planning group's policy related to write-in candidates is that: ~~CHOOSE ONE OPTION: (A) write-in candidates are not allowed; or (B) write-in candidates are allowed.~~ If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

Section 3.
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Voting shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24 and is not allowed.

Section 4.

The *[insert CPG name]*'s election becomes final after announcing the election results: ~~CHOOSE ONE OPTION: (A) at the conclusion of the noticed regular March monthly planning group meeting, or (B) at a noticed special meeting of the planning group prior to the start of the regular April monthly meeting.~~ The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

Any challenge to the election results must be filed with the chair of the Elections Subcommittee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

Section 5.

Article VIII, Section 1(e) contains all voting procedures, including: ~~CHOOSE ALL THAT APPLY: voting time/s; voting locations/s; voting eligibility; candidate eligibility; elections committee establishment and responsibilities; promotion of elections; counting votes [plurality, etc.]; ballots; write-in candidates; poll locations/s; mail-in ballots [if applicable]; managing polls and counting ballots; reporting election results to the Chair; and election challenge criteria and procedures.~~

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1.

It is the duty of the *[insert CPG name]* to cooperatively work with the City throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

It is the duty of all planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.

It is the duty of a planning group as a whole, and of each individual member, to refrain from conduct that is detrimental to the planning group or its purposes under Council Policy 600-24. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

Section 2.

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(a) Meeting Procedures.

It shall be the duty of each member of the *[insert CPG name]* to attend all planning group meetings.

(i) REGULAR AGENDA POSTING - At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of the agenda item shall include the intended action of the planning group regarding that item [e.g., information item, action item].

(ii) PUBLIC COMMENT- Any interested member of the public may comment on agenda items during regular or special planning group meetings. In addition, each agenda for a regular planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but are within the scope of authority of the planning group. Planning group members may make brief announcements or reports to the planning group on their own activities under the public comment section of the agenda. The planning group may adopt time limits for public comment to ensure operational efficiencies.

(iii) ADJOURNMENTS AND CONTINUANCES - If the *[insert CPG name]* does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of the planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

(iv) CONTINUED ITEMS - If an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

(v) CONSENT AGENDA - For items to be considered for a "Consent Agenda" all of the following are required:

1. A subcommittee of the planning group has discussed the item at a noticed subcommittee meeting,
2. All interested members of the public were given an

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3. opportunity to address the subcommittee, and
The item has not substantially changed since the subcommittee's consideration.

The comments of the subcommittee and those made by interested members of the public should be reflected in the minutes of the subcommittee. Any interested member of the public may comment on a consent agenda item. Any interested member of the public may take a consent agenda item off the consent agenda by request.

(vi) QUORUM AND PUBLIC ATTENDANCE - A quorum, defined as a majority of non-vacant seats of a planning group, must be present in order to conduct business, to vote on projects, and to take actions at regular or special planning group meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

(vii) DEVELOPMENT PROJECT REVIEW - The *[insert CPG name]* may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

When reviewing development projects, the planning group shall allow participation of affected property owners, residents and business establishments within proximity to the proposed development.

The planning group shall directly inform the project applicant or representative in advance each time that such review will take place and provide the applicant with an opportunity to present the project.

(viii) ACTION ON AGENDA ITEMS - An item not noticed on the agenda may be added if either two-thirds of the entire elected membership, or every member if less than two-thirds are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.

The *[insert CPG name]* planning group's chair: **CHOOSE ONE OPTION:**
(A.) fully participates in planning group discussions and votes on all action items; or (B.) participates in discussions but does not vote except to

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~~make or break a tie; or (C) does not participate in discussions or vote on action items.~~

The planning group shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

Votes taken on agenda items shall reflect the positions taken by the elected or appointed positions on the planning group identified in Article III, Section 1 of Council Policy 600-24.

(ix) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the *[insert CPG name]* as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

(x) SPECIAL MEETINGS - The chair of the *[insert CPG name]*, or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

(xi) EMERGENCY MEETINGS - Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside of the purview of the *[insert CPG name]* and are prohibited under this bylaws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the *[insert CPG name]* must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

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(xiii) **DISORDERLY CONDUCT** - In the event that any planning group meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the planning group may first cause removal of the individual or individuals. If that is unsuccessful then the planning group may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The planning group may also readmit an individual or individuals who were not responsible for the disruption.

(b) Subcommittees

The *[insert CPG name]* may establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

(i) **STANDING SUBCOMMITTEES** - Pursuant to the purpose of the *[insert CPG name]* as identified in Article II, Section 1, the planning group has established: CHOOSE ONE OPTION: (A) no standing subcommittees but will create, as needed, an ad hoc subcommittee to address a particular planning or operational matter [such as the Elections Subcommittee]; (B) the following standing subcommittees [provide list including number of members, duties, duration of subcommittee]; or (C) a combination [provide information as in (A) or (B)].

(ii) **AD HOC SUBCOMMITTEES** - Ad hoc subcommittees may be established for finite period of time to review more focused issue areas and shall be disbanded following their review.

(iii) **SUBCOMMITTEE COMPOSITION** - Subcommittees shall contain a majority of members who are members of the planning group.

(iv) **RECOMMENDATIONS** - Subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

(c) Abstentions and Recusals

(i) **RECUSALS** - Any member of the *[insert CPG name]* with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.

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(ii) ABSTENTIONS – In limited circumstances, planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

(d) Meeting Documents and Records

(i) AGENDA BY MAIL - Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

(ii) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or planning group members, that is distributed at the planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the planning group meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charge for the cost of reproducing any the materials requested by an individual or individuals.

(iii) MINUTES – For each planning group meeting, a report of planning group member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. The minutes of each planning group meeting shall include the votes taken on each action item, and should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning group meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group.

The *[insert CPG name]* is not required to audio or videotape meetings but if recordings are made, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

(iv) RECORDS RETENTION – *[insert CPG name]* records must be retained for public review. City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.

- Section 3. It shall be the duty of the *[insert CPG name]* and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long range interest of the community at large. When reviewing development projects, the planning group will allow participation of affected property owners, residents and business establishments within proximity to the proposed development. The project applicant or representative shall be informed each time that a review will take place, and the applicant or representative will be provided with an opportunity to present the project. Any interested member of the public shall be given an opportunity to comment on a project during a planning group meeting. At the start of each item, the chair will identify how much time can be allocated to the public comment based on the number of items before the planning group for action.
- Section 4. It shall be the duty of the *[insert CPG name]* to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.
- Section 5. The *[insert CPG name]* may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.
- Section 6. Each elected *[insert CPG name]* member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve.

ARTICLE VII Planning Group Officers

- Section 1. The officers of the *[insert CPG name]* shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary. ~~OPTION: insert any other officer as defined by the planning group.~~ The length of an officer's term shall be: ~~OPTION: insert duration of term.~~ except that no person may serve in the same planning group office for more than eight or nine consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.
- Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group. ~~OPTION: insert any further duties as defined by planning group. Example duties would be setting the agenda, point of contact for development applicants, etc.~~
- Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson. ~~OPTION: insert any further duties as defined by planning group.~~
- Section 4. Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties. ~~OPTION: insert any further duties as defined by planning group.~~
- Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning group's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.
- Section 6. The *[insert CPG name]* officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII Planning Group Policies and Procedures

Section 1. The *[insert CPG name]* bylaws incorporate policies and procedures directed by Article I through VII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VIII of Council Policy 600-24. This bylaws Article lists additional procedures which are found in Exhibits attached to the bylaws.

Any procedures found in exhibits have the same effect as if they were incorporated directly into Articles I through VII of the bylaws. They are separated into exhibits for ease of understanding.

Listed procedures are grouped by category as follows: Community Participation; Planning Group Composition; Conduct of Meetings; Member and Planning Group Responsibilities; and Elections.

(a) Community Participation.

The following are the *[insert CPG name]* procedures regarding community participation:

~~OPTION: Detail any community participation procedures the planning group has.~~

~~OPTION: List actions or state intent of planning group to grow interest in planning group activities and to encourage diversity.~~

~~NOTE: If it is necessary, separate procedures can be adopted by the planning group for topics in this Section.~~

(b) Planning Group Composition.

The following are the *[insert CPG name]* procedures pursuant to Article III, Section 2 regarding planning group composition:

~~OPTION: If planning group anticipates conversion of seats from one category to another, detail here.~~

~~OPTION: If any seats are appointed rather than elected, discuss appointment process here.~~

~~OPTION: Refer to form used for determining eligible community member.~~

(c) Conduct of Meetings.

The following are the *[insert CPG name]* procedures regarding conduct of planning group meetings:

~~OPTION: Discuss efforts by the planning group to notice meeting agendas.~~

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OPTION: Discuss meeting operation, including public comment [when on the agenda and how much time], how consent items are handled, maintaining a civil meeting environment, how the public/audience participates in discussion items on the agenda, order of items on the agenda.

OPTION: Discuss specifics of subcommittee membership and operation.

OPTION: Discuss operation of the planning group's development review subcommittee operations.

OPTION: Discuss the Elections Subcommittee.

OPTION: Discuss any detail about the chair's voting or non-voting option that isn't discussed in Article VI, Section 5.

(d) Member and Planning Group Responsibilities.

The following are the [insert CPG name] procedures regarding member and planning group responsibilities:

OPTION: Discuss how the planning group's positions may be represented to the City on planning issues that are not project review recommendations.

OPTION: Discuss internal bylaws amendment process, prior to submittal to the City staff.

OPTION: Discuss when procedures might be developed.

OPTION: Discuss any voluntary financial contributions, including purpose and use.

OPTION: Discuss any regular participation on other committees or with other organizations.

(e) Elections.

The Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for planning group elections. The following are procedures pertaining to the elections provisions of these bylaws:

OPTION: Specifically detail procedures for ALL policies listed in Article V, Sections 1 and 2 related to planning group elections and voting.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The [insert CPG name] and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-17086 NS, and any future

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amendments thereto, if the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in Policy 600-24, Article II, Section 1; their conduct was in conformance with Policy 600-24 and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The *[insert CPG name]* and its duly elected members may be subject to both Council Policy 600-24 violations as described in Section 3 below and penalties provided for in the Brown Act. The Brown Act includes criminal penalties and civil remedies. Both individual members of the planning group, as well as the planning group itself, may be subject to civil remedies. Under certain circumstances, individual planning group members may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, and where the member intended to deprive the public of information to which the member knows or has reason to know the public is entitled. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Section 3. Council Policy 600-24 Violations and Remedies.

(a) Alleged Violations by a Member of the *[insert CPG name]*.

In cases of alleged violations of the *[insert CPG name]* bylaws or Council Policy 600-24 by a planning group member, the planning group shall conduct an investigation consistent with the Administrative Guidelines and these bylaws.

A complaint that an individual member of a planning group violated one or more provisions of the planning group's bylaws or Council Policy 600-24 may be submitted to the planning group chair by any individual, including another planning group member. The complaint should be filed within 90 days of the alleged violation.

If, after a thorough investigation, the planning group determines that the individual member has violated a provision of these bylaws or Council Policy 600-24, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these bylaws.

If the planning group member found to be out of compliance with the provisions of these bylaws or Council Policy 600-24, the planning group risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

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Investigation procedures for elected member violations are outlined below:

Any action by the [insert CPG name] to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

- A complaint that a violation of bylaws of Council Policy 600-24 has occurred will be presented to the planning group chair. If the complaint is about the chair, it may be presented to any other officer of the planning group.
- The complaint should be detailed enough to provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation.
- The complaint should provide a citation of the bylaws or Council Policy 600-24 provisions of which the action is claimed to violate. If the complaint is from someone other than another planning group member, the chair [or other officer] may assist in providing appropriate citations to assist the complainant.
- The chair will confer with the planning group officers [exception: if an officer is the subject of the grievance or has a business or personal relationship with the alleged violator] regarding the complaint.
- The chair shall create a written record of the complaint and alleged violation to share with the alleged violator.

Procedures for administering and acting on investigating a violation: While the authority for this process rests with this planning group, City staff may be contacted for assistance at any point in the process.

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.
- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.
- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and [insert CPG name] would best be served by the removal of the planning group member, then the chair shall set the matter for

discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

- The matter of removing a seated planning group member will be placed on the planning group's agenda as a potential action item. Supporting materials from the chair or from the offending planning group member will be made available to the elected planning group members prior to the meeting.
- The matter will be discussed at the planning group's regular meeting with opportunity given to the planning group member who committed the violation to present their case and/or rebut documentation gathered by the chair with the assistance of the planning group officers. The member may also request a continuance of the item to gather more information to present to the planning group.
- At the end of the discussion, the planning group may, by a 2/3 vote, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected planning group member removed by a 2/3 vote of their recognized community planning group.
- The planning group member's seat shall be immediately declared vacant and subject to provisions of Article IV.
- The removal of a planning group member by a 2/3 vote of their recognized community planning group will not prohibit the member from running for a planning group seat in future scheduled elections.

(b) Alleged Violations Against the [insert CPG name] as a Whole.

In the case of an alleged violation of the planning group's bylaws or of Council Policy 600-24 by the planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City. The Mayor's Office will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute. The [insert CPG name] will work with the City toward a solution and the planning group recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

If a violation against the planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's Office to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to

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remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

If the planning group is found to be out of compliance with the provisions of this Policy not subject to the Brown Act or its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

OFFICE OF

THE CITY ATTORNEY

CITY OF SAN DIEGO

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MEMORANDUM OF LAW

DATE: October 27, 2006

TO: William Anderson, Director
City Planning and Community Investment Department

FROM: City Attorney

SUBJECT: Application of the Brown Act to Meetings of Community Planning Groups and the Community Planners Committee

INTRODUCTION

In March 2000, this Office issued a Memorandum of Law to the Long Range Community Planning Director of the City of San Diego, concluding that the Ralph M. Brown Act [Act] did not apply to San Diego's recognized Community Planning Groups [CPGs]. In 2006, this Office must reverse this conclusion based on more recent California law that broadens what it means to "create" a legislative body that will be governed by the Act.

The Act is California's "Open Meeting Law." Its purpose is to assist the public's participation in local governmental decisions. To do that it establishes rules to ensure the actions and deliberations of public bodies, including certain advisory bodies, occur openly with public access and input.

Community Planning Groups, recognized by the San Diego City Council, are governed by Council Policy 600-24, first enacted in 1976. Since then, the Policy has been amended four times, most recently in October 2005. All versions of the Council Policy have consistently provided in some manner that: "Community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries." Council Policy 600-24. The Policy's purpose is "... to identify responsibilities and to establish minimum operating procedures governing the conduct of planning groups when they operate in their officially recognized capacity." *Ibid*. The most recent amendment of the Policy reinforces this purpose by directing the City Planning Director in consultation with the Community Planners Committee [CPC] to prepare and maintain Administrative Guidelines for the CPGs. The Administrative Guidelines do not currently require specific compliance with the Act, but do require the meetings of the CPGs be open to the public "[i]n the spirit of open

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The Act defines what types of groups or entities may be legislative bodies of a local agency in section 54952. The determinative factor is whether the CPGs and the CPC are "legislative bodies" of the City as that term is defined. If they are, their meetings must be governed by the Act.

II. The Brown Act Must Be Broadly Construed.

By its notice and open meeting requirements, the "Act . . . serves to facilitate public participation in all phases of local government decisionmaking and to curb misuse of the democratic process by secret legislation of public bodies. [Citation]." *Epstein v. Hollywood Entertainment District II*, 87 Cal. App. 4th 862, 868 (2001). Established case law and voter enactments occurring in 2004 also require courts to interpret the Act liberally in favor of openness in conducting public business. *Shapiro v. San Diego City Council*, 96 Cal. App. 4th 904, 917 (2002); Cal. Const. art. I, § 3(b)(2); San Diego Charter § 216.1(b)(2).

III. The Definition of Advisory Legislative Bodies Under The Act.

The main issue is whether the CPGs and CPC meet the legal definition of a legislative body set forth in section 54952(b) of the Act. That section defines a legislative body, in part, as "[a] commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, *created by* charter, ordinance, *resolution*, or *formal action* of a legislative body." [Emphasis added]. Plainly, the CPGs and CPC are advisory bodies to the City Council and to other City Departments. The City Council of San Diego is the legislative body of the City of San Diego. San Diego Charter § 11. The question is whether the City Council legally created these advisory bodies by resolution or formal action.

A. Resolution or Formal Action.

Section 54952(b) requires a City Council to take some action in order to "create" an advisory body that meets the definition of a legislative body. The section provides that action may be by "resolution" or by other "formal" action. The enactment of a formal policy by a legislative body that creates an advisory body also legally qualifies as a "formal action" under the Act. *Frazer v. Dixon Unified School District*, 18 Cal. App. 4th 781, 782 (1993). This Office concludes that either the passage of the resolutions enacting Council Policies 600-24 and 600-9, or the adoption of the Council Policies themselves meet this legal requirement.

B. The Legal Meaning and Definition of "Created By."

International Longshoremen's & Warehousemen's Union v. Los Angeles Export Terminal, Inc., 69 Cal. App. 4th 287 (1999) provided a legal definition for the phrase "created by" as it is used in section 54952 of the Act. In this case, the Los Angeles City Charter gave the City Council the authority to appoint members to the Harbor Commission and to overturn any of its actions. The case involved a lawsuit by a union against a private corporation (LAXT) established with the assistance of the Harbor Department and approval of the Los Angeles Harbor Commission. The court was asked whether this private corporation was a legislative body created by the Los Angeles City Council and therefore subject to the Act.

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was appointed by a different agency.] The legal test is now much easier to meet. It is simply whether the City Council played a role in the creation of the CPGs. Accordingly, this Office believes a court would conclude the City Council did play a role in the creation of the CPGs when it enacted Council Policy 600-24.

Council Policy 600-24's language sends a mixed message. The Policy concludes that the CPGs are "private organizations." However, it also says the CPGs were "formed and recognized by the City Council." This office concludes the former statement should have no impact on question whether the City Council legally created these advisory bodies. Ultimately, that "is . . . a question of law." *Epstein*, 87 Cal. App. 4th at 876. The requirements for the CPGs set forth in Council Policy 600-24 support the conclusion the City Council played a role in their creation.

Although there is no requirement that the Council appoint members to these groups to meet the legal definition, the Council Policy still requires the City Council to approve the groups' initial members and bylaws by resolution for them to gain "recognized" status. The City Council also sets the purposes for the CPGs' meetings by imposing official duties on them and significantly regulating their conduct in the mandatory minimum bylaws it imposes. The Council retains ultimate authority over the CPGs by reserving to itself the authority to approve the initial members and bylaws of a CPG, without which there is no recognized status; to approve any amendments to a group's bylaws; and to terminate a group's official recognition status. The City Planning Department's website expressly directs citizens who wish to participate in the planning process to form officially-recognized planning groups; the City's Planning Department provides support and training for the groups; and the City has under certain circumstances agreed to indemnify group members who may be sued performing the services they provide to the City.⁴

By creating a sub-set of community planning groups that are officially recognized by the City Council in this Council Policy, the City Council provided their *raison d'être*. When it gave Council Policy 600-24, the "legal breath of life," the City Council also breathed legal life into the CPGs as "legislative bodies" within the meaning of section 54952(b), as the law is currently interpreted. Accordingly, each recognized Community Planning Group meets the definition of a legislative body under the Brown Act and the meetings of each are subject to that Act.

B. The Community Planners Committee.

Council Policy 600-9 was enacted by City Council resolution for the express purpose of establishing the CPC as a City advisory body. The Policy designates the members of the CPC as the chairpersons of, or other members selected by, the CPGs. The body is advisory to the City Council, other City agencies and departments, and to the CPGs. The City Planning Department provides support to this committee. The City Council has the inherent authority to repeal the resolution creating this Policy, and the CPC would cease to exist. See 6 McQuillin Mun. Corp. § 21.10 (3rd ed. 2006).

The sole purpose of this Policy, passed by City Council resolution, is to create this committee; without it the CPC would not exist. Council Policy 600-9 did not simply play a role in the committee's creation, it played the only role. Accordingly, this Office concludes the City

⁴ See San Diego Ordinance O-17086 (April 25, 1988).

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conduct are enhanced by the requirements set forth in the Council Policies and Administrative Guidelines that have been enacted and promulgated.


The City Attorney recommends the Policies and Guidelines be amended to require the CPGs and the CPC to hold their meetings, the meetings of any executive boards and standing committees, in compliance with the Act. This Office also recommends the Planning Department inform the CPGs and CPC of our conclusion and request they implement procedures to comply with the Act.

The CPGs and CPC already conduct their meetings publicly and comply with many of the Act's requirements. For example, under Council Policy 600-24 the CPGs must prohibit proxy or absentee voting, allow participation of property owners affected by a development and for public comment on any proposed development under review, conduct their business and hold substantive discussions on noticed agenda items in a public setting, and must prohibit serial or secret meetings. This conclusion should not substantially impact the meeting procedures of these bodies.

The Attorney General's excellent free manual "The Brown Act: Open Meetings For Legislative Bodies (2003)" is available at its website <http://caag.state.ca.us/publications/#opengovernment>. This Office will prepare a general summary of the Act's requirements that are not currently required by Council Policy 600-24 to assist in their implementation. This Office will also assist the Planning Department in providing additional guidance to these groups and to the CPC. The City Attorney expects the CPGs and the CPC will substantially comply with the Act's requirements.

MICHAEL J. AGUIRRE, City Attorney

By


Michael J. Aguirre
City Attorney

JAK:pev:jab

cc: Honorable Mayor Sanders
Councilmembers
Betsy McCullough, Deputy Director
ML-2006-26

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**Revised Council Policy 600-24 and Bylaws Shell Provisions
Discussed at the Land Use & Housing Committee
on October 26, 2006**

Revisions to Council Policy 600-24 and the Bylaws Shell have been made to reflect specific provisions discussed at the Land Use and Housing Committee on October 25, 2006. At that meeting, CPCI identified a number of provisions that staff proposed to standardize among planning groups that some groups proposed to deviate from. LU&H directed CPCI to include standardized language in the Policy and bylaws shell but provide a process by which planning groups could deviate. The specific provisions include:

Bylaw Revisions. Language has been added to clearly state a long standing policy that only the elected planning group members vote on bylaw revisions (Article II, Section 7).

Voter Eligibility. Clarification has been made to Council Policy 600-24 and the bylaws shell to state that once eligibility to vote in a community planning group election is established, it is maintained until an individual is proven to not meet the qualifications (article III, Section 3). Individual community members will still be required to provide proof of eligibility at the time of the election.

Excused Absences. New language has been added to the Policy and bylaws shell stating that any absence constitutes an absence and that an elected member would lose their seat upon the third consecutive absence or fourth absence in a 12-month period (Article IV, Section 1). This was added due to overuse of 'excused' absences and to ensure that elected planning group members attend and participate in planning group meetings on a regular basis.

Elections for Two or More Vacancies. A new provision has been added to require that elections for two or more vacant seats be conducted with all eligible individuals of the community (Article IV, Section 2). This was intended to allow the community at large input into a majority of elected seats. *In response to CPC input on April 24, 2007, this provision was modified to give planning groups the option of electing new members or conducting a broader election for two or more vacancies.*

Candidate Eligibility. A provision has been added that, in order to be a candidate in the election, an eligible individual of the community must have documented attendance at three of the planning group's last 12 meetings prior to the February regular planning group meeting preceding the election (Article V, Section 1). This requirement is intended to ensure that candidates have a proven interest in the planning group. *Following CPC in April, this provision was modified to give planning groups the option of requiring attendance at one, two or three meetings to be a candidate for election.*

Additional Requirements of Project Applicants. Clarification has been made that planning groups should not, as a condition of placing an item on an agenda, require

applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process (Article VI, Section 2(a)).

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Subcommittee Composition. The Council Policy has been revised to clearly state that any subcommittee established by the planning group shall contain a majority of members who are elected members of the planning group (Article VI, Section 2(b)). This has been added because elected board members have been elected to serve as planning group members, have been trained in their roles and duties and are protected by the City's indemnification ordinance.

**CPC Comments of 4/24/07 on Draft Revisions to Council Policy 600-24
and the Bylaws Shell with Staff Responses**

CPC COMMENTS	CPCI Response
CPC Approved Actions	
<i>Article IV, Section 2</i> – Move to strike language requiring a vote of all eligible members of the community for 2 or more concurrent vacancies.	This section has been revised to give planning groups the option of electing candidates or having a full election for two or more vacancies.
<i>Article V, Section 1</i> – Change the requirement to attend three meetings to be a candidate in the March election to ‘up to three’.	This section has been revised to require a minimum of one meeting to be a candidate in an election.
Individual CPC Member Comments	
Background – should the following statement be removed given the applicability of the Brown Act: “Planning groups are private organizations.”	This sentence has been removed.
Policy – Delete the requirement for planning groups to adopt the standardized bylaws shell in its entirety.	Not changed. As stated in the report, staff feels that in order for planning groups to maximize their effectiveness as land use advisory bodies, their procedures must be standardized (with a few selected, predetermined options on certain specific issues).
Policy – incorrect reference to Article X, Section 1, should be Article IX, Section 1.	This has been corrected.
Article I, Section 3 – does the language stating that planning groups shall meet in the closest available facility mean the closest facility that is available and accessible.	Yes. No changes have been made although the Administrative Guidelines will be revised to give further direction on this issue.
Article II, Section 4 – regarding the Brown Act provision that <i>meeting facilities must be accessible to disabled persons, who is going to determine if a facility is accessible.</i>	No changes have been made although the Administrative Guidelines will be revised to give further direction on this issue.
Article II, Section 7 – want procedures and timing for turn around by the City for bylaws amendments.	Language has been added to state that the City will review bylaws amendments “in a reasonable timeframe made known to the planning group”. In addition, the Administrative Guidelines will be revised to provide detail on the process.
Article III, Section 3 – clarify business person and how to ensure that an individual was designated to vote by their business.	No changes have been made because the Council Policy reflects revised language discussed with the CPC Subcommittee during the 2005 amendment process. The Administrative Guidelines will provide additional direction on how to handle business seats.
Article III, Section 3 – list community based organizations/non-profits as a separate eligibility category.	Item c, local business person has been revised to reflect local business or not-for-profit representatives.
Article III, Section 3 – if voters maintain eligibility don’t we still have to check eligibility to vote during elections?	A sentence has been added to clarify that proof of eligibility is required to vote in elections.
Article IV, Section 2 – need to address appointed seats.	Language has been added to reflect that some groups may utilize appointed seats.
Article V, Section 1 – requiring candidates to attend three meetings by February is problematic.	By reducing the meeting requirement to a minimum of one, this timeline becomes more feasible.
Article V, Sections 1-4 – need more procedures regarding elections.	No changes have been made. Council Policy encourages planning groups to outline their election procedures in Article VIII of their bylaws. In addition, the Election Handbook and Administrative Guidelines provide additional information regarding elections.
Article VI, Section 2 – section is too long, sub items should be broken down into articles.	Staff did not feel that the subitems warranted separate article numbers but reformatted the section for improved clarity.
Article VI, Section 2 (a.1) – does the 72 hour agenda posting requirement include holidays and weekends?	Yes it does. No changes needed.
Article VI, Section 2 (a.10) – revise this section to allow any four members to call a special meeting, not the chair or majority of members.	Not revised. Per the Brown Act, a special meeting can only be called by the chair or majority of members.

Article VI, Section 2 (b.3) – disagree with attorney opinion that non-planning group subcommittee members must be trained.	This issue is being discussed separately with the Attorney's Office.
Article VI, Section 2 (c.2) – add that 'lack of information' is not a reason to abstain since planning groups cannot request additional information. 000616	Not revised. A lack of information may be a reason to abstain. Although a planning group may not, as a condition of placing an item on their agenda, require applicants to submit additional information beyond what they have submitted to the City, during review or projects planning group members may request reasonable and specific additional information needed to further explain the project.
Article VI, Section 2 (d.1 and d.4) – the Planning Department should handle records retention and requests for agendas by mail since planning groups aren't set up to do so.	The Mayor's Office has identified funding to perform administrative functions associated with the Brown Act.
Article VI, Section 2 (d.3) – omit sentence requiring planning groups to track whether the applicant was informed of the meeting – it's their responsibility to attend. Also, should add whether neighbors were present.	Not revised. This language is intended to ensure that applicants be given the opportunity to participate in planning group discussions on their projects. Notices of Applications are required to be posted on projects sites which direct neighbors to contact the planning group chair to be informed about planning group discussions on a project.
Article IX, Section 1 and others – wherever the indemnification ordinance is listed, add 'or any subsequent ordinance' since the ordinance is being revised.	This change has been made.
Article IX, Section 3 – label alleged violations by a member and a planning group as a whole 'a' and 'b' for clarity.	This change has been made.
Article IV, Section 3 – delete references that planning groups conduct investigations for violations by individual planning group members. Planning groups aren't set up to do so, lack resources, may not be impartial and this may subject them to litigation.	Not revised. During discussions with the CPC subcommittee during the 2005 Council Policy 600-24 revision process, community members felt strongly that planning groups needed additional direction/empowerment for how to deal with individual planning group member disciplinary issues.
Miscellaneous – elimination of the term general members has made differentiating voting members and board members confusing.	Changes have been made to clarify that voting in a March election is by 'eligible individual members of the community.'
Miscellaneous – due to delays with the Brown Act, planning groups missed the April 17, 2007 bylaw revision date. Want something in writing stating that it's okay.	CPCI staff sill send correspondence to planning groups to this effect.
Miscellaneous – why was Planning Department changed to Mayor's Office throughout the Council Policy and Bylaws Shell.	To reflect the new strong Mayor form of government and the fact that CPCI Department staff work on behalf of the Mayor.
Miscellaneous – change all references to Mayor's Office to City Council to reflect that planning groups are advisory and accountable to the City Council, not the Mayor's Office.	Not revised. Although the City Council recognizes planning groups, the Mayor's Office provides staffing assistance to planning groups on a regular basis.